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JOURNAL

OF THE

SENATE

JANUARY SESSION OF 1971

Evans Printing Company, Concord, N. H.

Thursday
6Jan72

The President called the Senate to order at 11:35 a.m.

The President: The Senate will be in Recess until we receive a message from the House.

RECESS

Senate in session

HOUSE MESSAGE

MR. PRESIDENT: The House of Representatives has passed the following resolution and asks the concurrence of the Honorable Senate:

Resolved, by the House of Representatives the Senate concurring: That a committee be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the session and is ready to be adjourned until the last Wednesday of December and to receive any communication which he may wish to make.

The Speaker appointed Reps. Eastman, Allen, Frizzell, Belcourt, Belanger on behalf of the House.

On motion of Sen. S. Smith, the Senate voted to concur.

The Chair appointed as members of said Committee on the part of the Senate, Sen. S. Smith and Sen. Spanos to wait upon the Governor.

RECESS

Senate in session

HOUSE MESSAGE

The House has resolved that the House and Senate meet in joint convention for the purpose of listening to Congressman Ashbrook of Ohio.

On motion of Sen. S. Smith, the Senate voted to concur.

JOINT CONVENTION

Senate in session

The President: Will the honored Committee appointed to wait upon the Governor of the State of New Hampshire please retire to escort the Governor to the Senate Chamber.

Mr. President: The House of Representatives has passed the following resolution and asks the concurrence of the honorable Senate:

Resolved, by the House of Representatives the Senate concurring: That a committee be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the session and is ready to be adjourned until the last Wednesday of December and to receive any communication which he may wish to make.

Reps. Eastman, Allen, Frizzell, Belcourt, Belanger.

His Excellency, the Governor, then came into the Senate Chamber and addressed the Senate as follows:

PROROGUE

I have been informed that you have completed the business of the Session.

Therefore, now, by the authority vested in me (and with the consent of the Executive Council, I do hereby prorogue the House (Senate) to the date provided in Article 43, Part 2, of the New Hampshire Constitution, unless called sooner.

BENEDICTION

Dear LORD, as we conclude this historic 142nd Session of our New Hampshire General Court — Bless us with Your Presence that we may meet each moment with Your Wisdom and Power. Guide our steps aright, give us a note of joy to sing and a word of cheer to share, send us forth on paths of usefulness and purpose, and deliver us from all uncertainty. Help us to find that joy which comes only as we serve You and our fel-

lows. Grant us, at day's end, the satisfaction of a good conscience. Live and reign in us, O GOD, that we may honor You in all that we do. Amen.

On motion of Sen. S. Smith, the Senate adjourned at 12:22 o'clock.

Wilmont S. White, *Clerk*

A true copy attest: Wilmont S. White, *Clerk*

JOURNAL

OF THE

SENATE

SPECIAL SESSION OF 1972

Tuesday
8Feb72

The Senate met at 11 o'clock.

Prayer was offered by Senate Chaplain, Rev. William L. Shafer.

In the order of the universe we see Thy greatness, O GOD; in its mystery we discover our own littleness. Yet through Jesus Christ we know the greatness of Thy love which giveth worth and meaning to our lives. Help us in faith to see Thee, in confidence to honor Thee, in love to serve Thee, and in all our ways to acknowledge Thee as the Guardian and the Guide in the patterns of our living service in a living world. So grant unto the Members of this Senate such wisdom and insight, such strength and courage, that they may act responsibly in every decision, led by the light of Your Divine Truth. Amen.

Pledge of Allegiance was led by Sen. English.

CALL OF THE SPECIAL SESSION

February 1, 1972

To the Members of the General Court

Pursuant to the New Hampshire Constitution Part 2 Article 50, the Governor and Council, on motion duly seconded, voted to call a Special Session of the Legislature at 11:00 A.M. on Tuesday, February 8, 1972, for the purpose of considering a more equitable distribution of the tax burden by means of state assistance to the property taxpayers of our State, including relief for elderly citizens; and such other business as may properly come before the General Court.

Respectfully,
Robert L. Stark
Secretary of State

ROLL CALL OF THE SENATE

The Clerk called the Roll which showed the following Senators to be present:

District No.	
1	Laurier Lamontagne
2	Andrew J. Poulsen
3	Stephen W. Smith
4	Edward A. Snell
5	Howard C. Townsend
6	Edith B. Gardner
7	Alf E. Jacobson
8	Harry V. Spanos
9	David L. Nixon
10	John R. Bradshaw
11	Robert English
12	Frederick A. Porter
13	Richard W. Leonard
15	Roger A. Smith
16	George H. Morrissette
17	William J. McCarthy
18	Paul E. Provost
19	Ward B. Brown
20	Ronald J. Marcotte
21	James Koromilas
22	Delbert F. Downing
23	Arthur Tufts
24	Eileen Foley

ANNOUNCEMENT

CHAIR: The Clerk has accepted the position of Deputy Director of the Office of Legislative Services; but, through special arrangement with that office, we have been able to retain his services for the Special Session.

The Assistant Clerk, Roger Quimby, accepted a position in the Legislative Print Shop which is now under the direction of the Department of Resources and Economic Development and we are using the services of Mr. Harry H. Rumble who is an attorney with the Office of Legislative Services. It was felt this would do two things: one, save us from obtaining the services of somebody else for the Session; and two, give Mr. Rumble an opportunity to see what sort of problems the Senate has in handling amendments and we might be able to take advantage of his expertise in getting those amendments in proper form.

Another change in the Senate Attaches is that George Hescock, who was my Administrative Assistant, resigned and took a position with an organization in Washington and just recently I filled the position with Douglas Tawes.

RESOLUTIONS

Sen. S. Smith offered the following resolution:

Resolved, That the rules of the Senate of the 1971 Session of the General Court be continued as the rules of the Senate for the 1972 Special Session, unless otherwise ordered by the Senate.

Adopted.

Sen. Snell offered the following Resolution:

Resolved, That the House of Representatives be informed that under authority of the Call of a Special Session by the Governor and Council, the Senate has assembled and is now ready to proceed with the business of the 1972 Special Session.

Adopted.

SENATE CONCURRENT RESOLUTION

Sen. S. Smith offered the following Resolution:

Be it resolved by the Senate, the House of Representatives concurring, that the joint rules of the 1971 Session, as amended in accordance with the copy of the joint rules which has been distributed and is now in the possession of all members, be adopted as the joint rules of the 1972 Special Session.

Sen. KOROMILAS: Can we have an explanation of this?

Sen. S. SMITH: Mr. President, basically there are four changes. Rule 12, which is a matter of time — I hope the Special Session does not last until the second Thursday in June.

On page 3, it indicates that bills to be passed by either body be introduced and approved by the Rules Committee, "provided that this rule may be suspended in either house whenever two-thirds of the whole number of elected members shall, on division taken, vote in favor thereof, and not otherwise."

Rule 21 deals again with time relative to Constitutional amendments to make them possible during this short session.

Rule 25, "No Joint Rule shall be suspended unless two-thirds of the members present, in each house, voting separately, vote in favor thereof, with the exception of the subject matter covered in new Rule 14." New Rule 14 allowing again the Rules Committee of the House to give prior approval.

Sen. JACOBSON: There was a bill passed that provided that the Standing Committees of the Senate continue until, I think it is the last Wednesday in December or some such date, and a series of bills has been given to those committees. Under the Joint Rules, can these come out for consideration?

Sen. S. SMITH: I believe that this is so.

Sen. JACOBSON: I have read in the paper that Legislative Services had denied to certain legislators the right of the services. Is that a fact?

Sen. S. SMITH: I am not aware of this and I could not give you an answer. To my knowledge, definitely no.

Sen. SPANOS: Wasn't there also a change in the Rules relative to when a bill must leave the originating body?

Sen. S. SMITH: For this Special?

Sen. SPANOS: Yes.

Sen. S. SMITH: This was the first one which was discussed. I mentioned Rule No. 12 — "Each body shall take final action on all bills that originate therein not later than the seventh legislative day."

Sen. SPANOS: And on revenue measures?

Sen. S. SMITH: "With the exception of any revenue raising measure, which shall have final action by the tenth legislative day in the originating body."

Sen. MORRISSETTE: Were all the bills requested to be drafted — were they drafted but then the Rules Committee felt they could not be heard at this time? Is that what happened?

Sen. S. SMITH: I do not believe that all the bills were drafted because of the time involved. The Rules Committee did consider some by title.

Sen. MORRISSETTE: If a bill was not drafted, how could you judge it?

Sen. S. SMITH: I think that the Rules Committee attempted to evaluate each bill as to whether or not it was a measure which they considered to be of critical importance at this Session, number one. And, number two, whether or not it had been considered in the previous Session.

Sen. MORRISSETTE: On the basis of title?

Sen. S. SMITH: On the basis of title.

Sen. DOWNING: Relative to Rule 12?

Sen. S. SMITH: This is Joint Rule 12?

Sen. DOWNING: Yes. Final action on all bills that originate therein from each body not later than the seventh legislative day with the exception of revenue raising measures — this calls for final action for the tenth legislative day and the non-originating to take action no later than the thirteenth legislative day. Revenue bills beginning in the House they have ten days to take action on that bill. This would leave the Senate only three days. Somehow or other, this just doesn't seem fair to the Senate to be able to fairly judge or determine its position on a bill coming out of the House. Why is this inequity in here?

Sen. S. SMITH: I think the inequity, if that is the term you wish to use, is caused by the limit which the Constitution holds as to the time available to hold a Special Session, which is fifteen days. I think that the Senate Finance Committee will undoubtedly be making an appraisal of some of the measures which will be coming before the Senate in advance of that time.

Sen. DOWNING: It isn't the fifteen days that concerns me. I am aware of this. But why didn't the Rules Committee see fit to give the House seven days to act on revenue measures and, in turn, give the Senate seven days to act on revenue measures?

CHAIR: Sen. Smith, I would like to have you yield to Sen. Spanos.

Sen. SPANOS: Sen. Downing, as I understand the situation when we did meet at Joint Rules, the President of the Senate could see no major reason why there should be a difference in these measures. He felt that the Senate and its membership should have time to study all revenue measures and all other

bills. At our meeting, however, it was pointed out by certain people and finally we compromised on what their demands were. But the major one where we compromised was on the revenue bills. And the major reason for that was that there were some who felt that since this measure was likely to be Governor Peterson's measure sufficient time should be made available to the Executive, and, in the House particularly, to at least explore all the possibilities and the ventures and what have you of that revenue measure. In other words, giving him ample time to present his program to the Legislature, whatever amendments would be necessary, the debate you know would go on there. And so we extended it to ten days. However, and I don't know that I am telling any tales out of school on this matter, Mr. President, yesterday at a legislative leadership session, it was announced that the Executive would like to see the measure come out before the ten day period. In other words, in the area of around the seventh or eighth day, probably the eighth day out of the House. So, I think from a practical point of view, we don't have to worry too much about this matter insofar as us not getting time to explore it. I think we will get enough time to go through it. But that was the original concept of the ten days.

Sen. KOROMILAS: I think you are saying that the Senate would have at best, at best, only three days for any revenue measure.

Sen. SPANOS: That is right. If they wait and come out in ten days. That is correct.

Sen. KOROMILAS: Does this mean each and every revenue measure, in your opinion? This rule covers all revenue measures not only the Governor's measure, is that correct?

Sen. SPANOS: That is correct.

Sen. KOROMILAS: Isn't it true that the first time that HB 1 will come before either branch will be on Thursday at 10 o'clock so, therefore, we are killing two days on HB 1? Isn't that correct?

Sen. SPANOS: I don't quite understand the significance of the question. You have to start it sometime and apparently they are starting Thursday and I think that the strategy is, or the way I analyze it is, that the hearing will be held and then it will be brought out, as I said, probably on the eighth day of the House's

Calendar. And I am pretty sure that is a pretty firm commitment by the leadership to attempt to have it done, although the Senate was willing to go along with allowing them to have ten days if they saw fit; and I think largely, as you are well aware, that the Senate in the past on revenue measures has never really given it the debate and the substantive effort that they give it in the House. It has been more or less a carbon copy of what has transpired in the House and it was the opinion of most of us who have been here all this time to know that it probably won't take the Senate more than three days to decide it.

Sen. KOROMILAS: On the amendment to Joint Rule No. 14, Sen. Smith, as I take it, the last clause provides that it takes two-thirds of the whole number of the Senate or two-thirds of the whole number of the House to change a Rules Committee report on what can be introduced, is that correct?

Sen. S. SMITH: I would say that this was correct.

Sen. KOROMILAS: I am aware that the old rules do have the two-thirds requirement on the whole number of elected officials. I am aware of that. Would you have any kind of objection if we were to change, or an amendment were made to this particular amendment, to allow two-thirds of either house then present?

Sen. S. SMITH: I think the effect of this would be to weaken the existing Rule. I would hope that the Senate would stand by the "whole" rather than "those present" due to the fact that — this is not so true of the Senate as the House; we have excellent attendance in the Senate — but I think in the House there may be some people out at hearings or whatever so that "those present" could be a fairly small portion of the House. This, I think, would tend possibly to clutter up the bills which are brought in and I think our time is of the essence. For these reasons, I would oppose it.

Resolution Adopted.

HOUSE MESSAGE

RESOLUTION

The House of Representatives has passed the following resolution:

Resolved, that the honorable Senate be notified that the

House of Representatives will be ready to meet the Senate in Joint Convention at 11:30 a.m. for the purpose of hearing an address by Senator Hartke of Indiana and former Governor Peabody of Massachusetts.

Sen. Poulsen moved the Senate meet in Joint Convention with the House immediately.

Adopted.

RECESS

JOINT CONVENTION

(See House Journal)

AFTER RECESS

HOUSES MESSAGES

RESOLUTION

Resolved, that the honorable Senate be notified that the House of Representatives has assembled under the authority of the call of a special session by the governor and council, and is now ready to proceed with the business of the 1972 special session.

CONCURRENT RESOLUTION

The House of Representatives has passed the following concurrent resolution, in the passage of which it asks the concurrence of the honorable Senate:

Be It Resolved By The House, The Senate Concurring, that the actions of the rules committees of each house and the joint rules committee in granting approval for drafting, preprinting, and introduction of bills, joint resolutions and concurrent resolutions to amend the constitution are hereby legalized, ratified, approved and confirmed; and the scheduling of all hearings by said committees as printed in the calendars of both houses and today distributed to all members are also hereby legalized, ratified, approved and confirmed and any rule requiring any different notice of such scheduling is hereby suspended.

Sen. Spanos moved adoption.

Adopted.

SUSPENSION OF THE RULES

Sen. Spanos moved the rules of the Senate be so far suspended as to allow the following Senate Bills to be read for the first and second time and referred to Committee and public hearing be held without being advertised for two days in the Journal.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 1, establishing an environmental protection division in the office of the attorney general and making an appropriation therefor. (Porter of Dist. 12 — To Resources and Environmental Control.)

SB 2, removing forest products from the provisions of the dredging law. (Lamontagne of Dist. 1 — To Resources and Environmental Control.)

SB 3, establishing an interim legislative committee to investigate and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution. (Porter of Dist. 12 — To Education.)

SB 4, increasing fees that ski tow operators pay. (Poulsen of Dist. 2 — To Public Works and Transportion.)

SB 5, relative to regional planning. (Townsend of Dist. 5 — To Executive Departments, Municipal and County Governments.)

SB 6, establishing a youth corrections act. (Leonard of Dist. 13 — To Judiciary.)

SB 7, providing that associate justices of the superior court or masters, in addition to judicial referees, may sit as chairmen of panels to hear professional malpractice claims. (Nixon of Dist. 9 — To Judiciary.)

SB 8, to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor. (Smith of Dist. 3 — To Ways and Means.)

SB 9, relative to redistricting the congressional districts. (Smith of Dist. 3 — To Special Committee: Reapportionment.)

SB 10, redistricting certain state senatorial districts. (Smith of Dist. 3 — To Special Committee: Reapportionment.)

SB 11, relative to appointment of student ballot inspectors. (McCarthy of Dist. 17 — To Executive Departments, Municipal and County Governments.)

SB 12, permitting the industrial development authority to exceed its bonding limit if found necessary by the governor and council to protect the interest of the state in any project. (Smith of Dist. 3 — To Public Works and Transportation.)

SB 13, permitting minors to receive certain medical treatment without parental consent. (Snell of Dist. 4 — To Public Health, Welfare and State Institutions.)

SB 14, making an appropriation from the Nesmith Trust Fund and changing the annual appropriation therefrom. (Gardner of Dist. 6 — To Finance.)

SB 15, repealing the provisions for discretionary real estate licenses. (Nixon of Dist. 9 — To Ways and Means.)

SB 16, relative to the administration of the revenue laws. (Smith of Dist. 3 — To Executive Departments, Municipal and County Governments.)

SB 17, establishing an environmental protection department, and making an appropriation therefor. (Porter of Dist. 12 — To Resources and Environmental Control.)

HOUSE MESSAGE

RESOLUTION

The House of Representatives has passed the following resolution.

Resolved, that the honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint convention at twelve o'clock for the purpose of receiving his excellency the governor and any communication he may be pleased to make, and that a joint committee of five consisting of three on the part of the House and two on the part of the Sen-

ate be appointed to wait upon his excellency and inform him accordingly.

The Speaker has appointed Reps. MacDonald, Hayes and Dion.

Sen. S. Smith moved adoption.
Adopted.

The President appointed Sens. S. Smith, Spanos and Porter.

RECESS

JOINT CONVENTION

(See House Journal)

AFTER RECESS

ANNOUNCEMENTS

CHAIR: The Chair feels it would be well to clarify the situation on requests to Legislative Services. Back in early January, possibly late December, Legislative Services had been given some 300 odd bills by various legislators to be submitted to the Special Session. At that time, the staff of Legislative Services consisted of the Director, Arthur Marx, and, if memory serves me correctly, one other attorney. It was obviously a physical impossibility that every request could be completely drafted. It was also equally obvious that not all of those requests were going to be submitted to the Special Session of the Legislature. We were talking about a rather sizeable task and a very large expenditure. The Joint Rules Committee met; it was determined that any bills that had already been drafted were fine but that we were going to hold a public hearing to consider what bills would be approved by the Joint Rules Committee for introduction and that Legislative Services should direct its efforts to drafting bills that had been approved by the Joint Rules Committee. It is an absolute falsehood that any legislator was denied the services of the Legislative Services. They may have been delayed because of physical limitations, but it was completely without foundation that they were told they could not have those services.

Sen. LAMONTAGNE: I would like to add a comment to what has been said about Legislative Services. Possibly as mem-

bers of the Senate have realized, Berlin has a problem which was an oversight of the General Court in the last session. I went to Arthur Marx this morning and I was not refused any services whatsoever. The problem was that the town meeting dates had been changed from March 14 to the 7th of March to be on the Presidential Primary. Berlin is the only city in the State of New Hampshire that has their election on town meeting day and there was no way it could be changed according to Arthur Marx and the reason is that the Constitution cannot be suspended under the rules. Therefore, it is necessary to have a referendum. But, Mr. President, I wish again to say that the Legislative Services was of good service to me this morning and I was not refused.

Sen. Spanos moved the Senate do now adjourn from the early session and that when the Senate adjourns today, it be until tomorrow at 11 o'clock and in adjourning we do so in honor of, and in tribute to, the former Secretary of Commerce and UNH Trustee, Sinclair Weeks, who died yesterday.

Adopted.

LATE SESSION

Sen. Foley moved the Senate adjourn at 12:40 p.m.

Adopted.

Wednesday

9Feb72

The Senate met in Joint Convention at 11 o'clock.

A quorum was present.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 18, establishing a comittee to study the question of recall of public officials by the electorate. (Morrissette of Dist. 16 — To Executive Departments, Municipal and County Governments.)

SB 19, relative to sale of liquor at golf clubs, indoor tennis clubs, and nonprofit clubs. (Smith of Dist. 15 — To Ways and Means.)

SB 20, to license private detectives and private detective agencies. (Nixon of Dist. 9 — To Judiciary.)

HOUSE CONCURRENCE

The House of Representatives has concurred in passage of Senate Concurrent Resolution relative to adoption of Joint Rules for the 1972 Special Session.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION

SCR 1, memorializing the President regarding the treatment of Jews in the Soviet Union. (Rules Committee — to Rules and Resolutions.)

COMMITTEE REPORTS

SB 1

establishing an environmental protection division in the office of the attorney general and making an appropriation therefor. Ought to pass. Sen. Porter for Resources and Environmental Control.

Sen. PORTER: Most of the members of the Chamber just heard Mr. Ruckelhaus address the Joint Session and they listened as he addressed some parts of the environmental situation, part of which is brought in under SB 1.

SB 1 is very similar to SB 173 of the last session and calls for the establishment of the Division of Environmental Protection in the Attorney General's office. It does carry an appropriation and, of course, will be forwarded on to the Committee on Finance.

We had a hearing on this bill yesterday, reasonably well attended, with the points being made of the need in the State of New Hampshire to enforce existing pollution and environmental laws on the books at this time. Attorney General Warren Rudman spoke on behalf of the bill, giving it his full support. It is a very modest request for two Assistant Attorneys Gen-

eral and, frankly, the only criticism which was levied yesterday, was it was not sufficient legal counsel to have available in the State. The law is on the books in the area of dredge and fill, oil spills, and nuclear power plants going in and all require legal counsel for the various state departments. Many speakers spoke yesterday on behalf of the bill — Speaker Cobleigh, Senator Bradshaw, Mr. Natti of Forest Services, and others. There was no real opposition. In fact, everybody implored the Committee to move the bill and asked that it be favorably reported out of Committee, which we have done. I would like to ask your support on behalf of the bill.

Sen. MORRISSETTE: How many lawyers are in the Attorney General's office at the present time?

Sen. PORTER: Sixteen.

Sen. MORRISSETTE: The bill on environment has not passed yet. Isn't that putting the cart before the horse where you are going to hire two additional lawyers. If there are 16 there now, I assume somebody must have the responsibility of enforcing the existing laws.

Sen. PORTER: The 16 that are currently assigned are assigned to the various duties which the Attorney General performs. The additional two would be devoting their energies toward the environmental areas. Presently the various state departments have had to call in extra legal counsel and hire special legal counsel to support them when they needed. One of the complaints was from the Air Pollution Commission that the only time they could find available attorneys from the Attorney General's office, due to their severe workload, was at night and they have been required to work many, many nights with the Air Pollution Commission just recently on their new regulations.

Sen. MORRISSETTE: How much will it cost? They obviously will need office personnel, office girls, etc. Have you determined the cost?

Sen. PORTER: That is listed on page 3 of the bill. The additional cost for fiscal year 1972 is $22,986 and for fiscal year 1973, $43,911, this year, of course, being practically expended.

Sen. MORRISSETTE: Is that just for the two attorneys or also for the office?

Sen. PORTER: That includes legal stenographers and personal services, desks, chairs, typewriter and stand and current expenses and travel.

Report Adopted. Referred to Senate Finance.

SB 8

to provide for cumulative pocket supplements for revised statutes annotated and making an appropriaton therefor. Ought to pass. Sen. Tufts for Ways and Means.

Sen. TUFTS: This bill is headed for the Senate Finance Committee but a brief description would indicate to the Senate that this is an expenditure which Ways and Means recognizes to provide for the printing of the cumulative pocket supplements for the use of the state departments of the sovereign State of New Hampshire.

Report Adopted. Referred to Senate Finance.

SB 15

repealing the provisions for discretionary real estate licenses. Ought to pass. Sen. Morrissette for Ways and Means.

Sen. MORRISSETTE: I do not have the details of the hearing but it is very simple. Six or eight people spoke in favor of the bill. Everyone indicated that it was absolutely in the public interest and the public was desirous of having this portion of giving out free real estate licenses discontinued. There were a couple of specific recommendations on an amendment but we felt this was of such importance that it should not be amended at this time. We are in favor of the bill passing as is.

Sen. KOROMILAS: What were the amendments that were proposed?

Sen. MORRISSETTE: The primary amendment was relative to requiring the people who have received discretionary licenses to take the test within two years.

Sen. KOROMILAS: The Committee voted against such provision at this time?

Sen. MORRISSETTE: We didn't vote against the provision. There were questions that came up that weren't answered at the hearing. There was one question, for example: would we be denying a person the right to earn a living. Say a person acquired a license two years ago and they are earning their liv-

ing as a result of the necessity of their license and, therefore, if we required them to take an examination now after giving them a right — most of those people came from other states or were already in real estate — people who were already practicing real estate but never took any courses or something like that. I personally felt it was a good amendment, but I think this is so important that we shouldn't jeopardize this bill by amending it. There was one witness from the House who indicated he would seek to amend it in the House and add that provision. It was a suggestion of a member of the House to require people who have these discretionary licenses to take the examination and also the suggestion was that, if a person had taken a test before and did not pass, they be required to take a test within the next six months, rather than two years.

Sen. KOROMILAS: Isn't it true there are some people who have these discretionary licenses who don't have to work as real estate salesmen at the present time?

Sen. MORRISSETTE: That is an opinion I offered but that has nothing to do with the merits of the bill.

Sen. Lamontagne moved that SB 15 be made a Special Order of Business for Thursday, February 10, at 1:01 p.m.

Sen. LAMONTAGNE: I have had several complaints in reference to this licensing. I feel it is an important bill and I feel these amendments should be looked over at the present time. The reason I am asking this is I would like to make a couple of 'phone calls to clarify the way the bill is now coming before us and whether or not I should vote for it.

Sen. LEONARD: Sen. Morrissette, in the two and a half years that discretionary licenses were granted, how many were granted by the Real Estate Board?

Sen. MORRISSETTE: I do not know.

Sen. LEONARD: Could you get that information for tomorrow.

Motion adopted.

ANNOUNCEMENT

CHAIR: We had a meeting of the Majority Leader, Minority Leader and Chairmen and the consensus seemed to be that,

in order to expedite our work, the 1 o'clock meeting hour would be retained; and that, until further notice, we will be meeting as usual on Tuesday, Wednesday and Thursday.

The Chair would also like to take this opportunity to commend the Committees that have held such prompt hearings and taken such prompt action and I am sure, toward the waning days of the Session, every member will be very grateful you got these out of the way.

Sen. S. Smith moved the Senate do now adjourn from the early session and that when the Senate adjourns today, it be until tomorrow at 1 o'clock.

Adopted.

LATE SESSION

Sen. Snell moved the Senate adjourn at 12:25 p.m.

Adopted.

Thursday
10Feb72

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by Senate Chaplain, Rev. William L. Shafer.

Father of all mankind, throughout this day, and every day, help us to remember that a very real portion of Your world, our beloved "Granite State," has been placed in our keeping. Inspire us with wisdom, O LORD, that we may make beautiful and significant each decision in our experience of life today. Remove from us all pettiness and prejudice that would disturb or distract us from being concerned with life's great issues. Enable us to seek new ways in which to be channels of truth and defenders of justice. So guide us in our work today that we may be kept safe from error, resting in the knowledge that we have done our best to serve Thee and our fellow citizens. Amen.

Pledge of Allegiance was led by Sen. Foley.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 21, relative to the age of majority. (Porter of Dist. 12 — To Judiciary.)

SB 22, relating to legislative ethics. (Koromilas of Dist. 21 — To Judiciary.)

HOUSE MESSAGED BILLS

First, second reading and referral

HB 8, authorizing the department of education to apply for and expend federal funds available for technician and vocational-technical training programs. (Education)

HB 10, state aid for sewage disposal facilities. (Resources & Environmental Control)

HB 11, to increase the borrowing power of the town of Pembroke. (Executive Departments, Municipal & County Governments)

HB 13, to abolish the Enfield village fire district in the town of Enfield and transfer its functions to the town of Enfield. (Executive Departments, Municipal & County Governments)

COMMITTEE REPORTS

SB 9

relative to redistricting the congressional districts. Ought to pass. Sen. S. Smith for Reapportionment.

Sen. S. SMITH: This is a slight adjustment in the Congressional Districts. What it does is take three towns in Coos County — the Towns of Randolph, Gorham and Shelburne — plus some grants, out of the First Congressional District and back into the Second Congressional District where they have been for a long time. These three towns actually are an integral part of Berlin. They associate with Berlin and could be more adequately represented, I think, in the Second District.

Sen. LAMONTAGNE: I rise in support. Although Louis Wyman is a very good Congressman, I personally feel since it is Jim Cleveland's District at the present time and he spends more

time up north and these towns are so close to Berlin, it ought to be changed.

Sen. DOWNING moved SB 9 be recommitted to the Committee on Reapportionment.

Sen. DOWNING: I think there should be a harder look taken at this totally and public hearings advertised and held on this matter to a greater degree than has been done.

Sen. S. SMITH: I rise in opposition to the Motion. I think that during the regular session the House Committee on Reapportionment gave this a long look. It has been on the law books for four or five months. I think the only problems which have been raised are encompassed in the existing bill.

Sen. SPANOS: I rise in support of the Motion offered by Senator Downing. I do so because I think we have to take a look at a more east-west line rather than a north-south line which we have now. I think we have to start to take into consideration the growing population in the southern part of the State and reflect that in giving to the area a representative of a more urban conscious constituency. For that reason, I feel that the present system perpetuates a distribution of the rural-urban complex, with the Congressman from the First District representing a very large rural area and also a very large urban area; and the Congressman from the Second District representing a very large rural area and a very large urban area. I think we should make an effort to try to have the Districts aligned more toward urban representation and, on the other hand, also a rural representation.

Sen. S. SMITH: Would not your proposal of having an east-west division rather than a north-south division mean that one Congressional District would probably have about 75% or 80% of the State; whereas the other would be a very small Congressional District? Don't you think two Congressmen could serve the equal Districts better?

Sen. SPANOS: The point you raise is a good one. I think that was one of the answers you gave us at the hearing — that it would give to the Congressman representing the northern section a great deal of geographic land to cover. That is a good, valid point. But it really stands now, in my opinion, along the same lines. Congressman Cleveland goes all the way from Winchester on the Massachusetts border into and beyond Senator

Lamontagne's district. I think the most northern town is Pittsburg. So I don't know that it would make that much of a difference.

Sen. LAMONTAGNE: I am going to have to vote against the Motion. My people want this change. So I am forced to vote against the Motion.

Motion to Recommit Lost.

Sen. DOWNING: Sen. Smith, do you recognize that there are differences in the problems of the heavily populated areas that are not similar to those in the less populated areas?

Sen. S. SMITH: Certainly I recognize there are different problems in different parts of the State — different for more heavily populated and less heavily populated areas. It is also my feeling that, if you have two Congressmen in this State both representing both types of constituencies, we are more likely to have two voices in Washington speaking for both sides rather than one and one.

Sen. DOWNING: I rise in opposition to the pending Report. I do not think the reapportionment as it has been presented is fair at all to the people in either District. While it has been suggested to do it otherwise may put 70% or 80% of the State under one Congressman and a lesser percentage under another, I feel that the southeastern corner of our State, in particular, needs very, very special attention which, if it had an individual Congressman geared to deal with those problems solely and yet have the sympathy of the other Congressman in the State, I think we would be in a much better position than we are now. I believe that a District such as perhaps Portsmouth, Manchester, Nashua and from there over to the southeastern corner as the population would permit would be a more sensible Congressional District than the one being proposed. The only justification for the Districts proposed is because historically or traditionally or some other equally unimportant reason the State has been divided up the middle. I think the needs of the people become more important than the historical factors and I think it would be much more sensible if we took another look at this and apportioned these Districts differently from what is being presented to us today.

Report Adopted. Ordered to Third Reading.

SPECIAL ORDER OF BUSINESS FOR 1:01

SB 15

repealing the provisions for discretionary real estate licenses. (Requested by Sen. Lamontagne). Ought to pass.

Sen. LAMONTAGNE: Yesterday I requested the Special Order because I wanted the opportunity to make some 'phone calls to some people who have been dissatisfied with some of the licenses which have been issued. The problem of some of them who have taken the examination and did not pass and had to wait a long period until they were able to take the examination again was more what they were complaining about than about the licenses. At this time, I have no objection or no amendments to introduce.

Sen. KOROMILAS: Yesterday I quizzed the person reporting on this particular bill as I felt that somehow or other there should have been an amendment attached to that bill which would have taken away the licenses from those who got discretionary licenses after their term had expired. In other words, the licenses given under the discretionary power do lapse unless they are actually — you have to make a reapplication for the license — they are two year licenses, so I am told. Of course, if you have had one prior to that time, you can get another if you have taken an examination and passed or if you got a discretionary license. My position has always been that those who did get discretionary licenses should give them up after that term of two years, after they got them through the discretionary clause. However, I have been talking to some of the people in the House today and they have asked me about the questions I raised yesterday. It appears that someone who did obtain a discretionary license told some of the members of the House that if the Senate passed this bill the people who had real estate licenses under the grandfather's clause would lose them. So, therefore, this would cause such a problem in the House I feel I will not attempt to put on an amendment to take away the discretionary licenses of those people when they expire.

Sen. LEONARD: Sen. Morrissette, were you able to find out how many discretionary licenses were issued in the last two and a half years?

Sen. MORRISSETTE: I think it was twenty-four. I think it is probably twenty-three now.

Sen. LEONARD: I remember this bill that gave the power to issue the discretionary licenses about two and a half years ago. The thinking at that time was, if an individual came from another state and had a good background in real estate and had the knowledge, he should be able to appear before the Commission and, if he were qualified, they would give him a license. I don't think there is anything wrong with the law; I think that is still a good portion of the law we have today. If the Real Estate Commission has issued licenses to people who are not qualified, that is their business and not that of the Legislature. I think this has been a political football.

The problem, as I see it, with the Real Estate Commission is that they were directed by the Legislature to give a reasonable test. I understand they have delegated this authority to the University of New Hampshire or some department over there. I don't think that they really know what these questions are. They haven't studied them and worked them out. I have had many complaints, probably more complaints as both a lawyer and a Senator, about this law than any law I have been involved in. They have a lot of technical legal questions and they require that these people know the law on real estate. Any lawyer in the Senate will tell you property law, or real estate law, is the most technical law in this State and in all states. I have quite a few people who have called me that failed the test by receiving a 70 or 69, one point below what is passing. I think that years ago we had a lot of real estate agents that never had a license. They just went into business and put up a shingle. We did not have any bad problems in those days.

About 15 years ago, the law was changed so that you had to get a license from the Insurance Commission. It was just a matter of sending in your $10.00 and getting a license. Since the Commission was created, in my opinion, it has built up a big empire and I think as far as the test is concerned, it is almost beyond their control. I have a list of a number of the questions that were asked in the last few exams and, in my opinion, they don't contribute to fairness with the public at all, especially the technical legal questions. I think if they paid more attention to having an honest individual selling real estate who had average intelligence, or better, they would be much better off in the long run. There is a lot of ill feeling about the way the real estate law is enforced in the State and I hope that the Real

Estate Commission would get on the ball and get a reasonable test for the applicants, as we directed them.

In my opinion, the test is unreasonable. There are questions in there that have nothing to do with selling real estate. The biggest mistake you can make is to make someone take a course and get a smattering of law and then think he knows something about the law and that is why we have lawyers. People think they know the laws and they don't. I hope that the Real Estate Commission will look into these tests and come up with a reasonable test and let's get rid of all these technical questions that a lawyer who doesn't have the opportunity to look up the answer can't answer himself. That doesn't help the public. We want honest people; we want people who have been in business; and we want the public to be treated right by these real estate brokers and agents. I don't think this empire that we have built does that. I have had two or three people who saw me in the last three or four months who were successful business people who sold their business and made a lot of money in the business, they are well liked, well respected, and they missed the passing mark by one point. When they told me some of the questions that were asked, I think it is a farce.

Sen. KOROMILAS: In your opinion, if these discretionary licenses had not been given to politicians, would it have become a political football?

Sen. LEONARD: If they were given to legitimate people who wanted to sell real estate and had the background, it would not be a political football.

Sen. DOWNING: You indicated you did not feel the Legislature should be interfering with the Real Estate Commission relative to the discretionary licenses they have issued. On the other hand, you have indicated that we should direct them, or remind them of the type of test we had in mind when we legalized such a Commission. Also being with you — and this is the basis of my question — on the Committee that studied this in the past regular session I know of your feelings relative to experienced people being granted a license without an examination. How do you feel, or don't you feel that the intent of the Legislature was in fact abused if licenses were issued to people who were not qualified in any way other than through a political connection, who were issued a license? And don't you feel that should be changed and changed by this body here?

Sen. LEONARD: There is no question about that. That was not the intent of the law when it was passed two and a half years ago. I agree with you 100%.

Sen. DOWNING: Do you feel it would be reasonable for the Legislature then to attempt to correct such action?

Sen. LEONARD: I think with the circumstances you have now, it might be reasonable. But I still think there is a requirement for giving an individual a license without sending him to a school and filling the enrollment of the schools and taking a test. There are people who legitimately should be issued a license — for instance, a person who has been in the real estate business for 20 or 30 years in another state, he comes up here for some personal reason and is well qualified — I think they should have a license without going through all these courses. In fact, in discussion with one of the members of the Commission, I found out that the schools that they approve — and you can't go to a real estate school unless they are approved by the Commission — don't teach what is on the exams. They will teach something and some of them will miss 80% of the questions. If you require John Smith to go to the Brown Real Estate School, that Commission has a duty, as far as I am concerned, to work with that school to give a course where that guy can learn enough to pass the test and not give him a bunch of stuff that is no good for him, because they make him pay his $500.

Sen. NIXON: As the sponsor of SB 15, I would like to give briefly the background and purpose of SB 15 in its present form. In regard to the discretionary license provision which is to be repealed by SB 15, the law which went into effect on May 4, 1970, enacted at the 1970 Special Session reads as follows: "The Commission is authorized and empowered on a finding by it that a person is, in its opinion, fully qualified and that it would carry out the intent and purpose of this chapter and that it would be in the public interest to waive examination requirements to issue a broker or salesman's license to an applicant who is so qualified." That is the language which I think originated in this body right here back in 1970 which was enacted and signed into law. Subsequent to enactment, apparently there was a feeling in some quarters that some of those who obtained licenses under the discretionary license provision were not qualified within the requirements of the statutory language. And, also, there was a general feeling, I think among the public,

which I share, that it is unfair for government, on the one hand, to lay down requirements for initial testing and schooling for the general citizen and on the other, waive these requirements without clearly established criteria in the law which would equate qualifications. You may recall, going further, that at the regular session this past Spring, SB 73 was a substantial bill in size and in significance in terms of tightening up the ethical requirements for real estate brokers, tightening up the schooling and scholastic requirements and accreditation provisions in regard to schools which would afford courses on this subject with at least a major part accomplishing the very purposes that Senator Leonard correctly says are desirable — to attune the courses to the examination so that people who pay the money to take a real estate course would have some reasonable guarantee that what they would be studying would be what they would be tested on for their license.

That bill had as an amendment to it — and by the way the original bill included the very repealer clause which is the total subject of SB 15 — which I think originated in the House. Those who now hold discretionary licenses would have had to give them up unless they passed the examination within, I think, a four year period from the date of the original grant of license. That amendment, which was concurred in by the House and Senate Conference Committee, and Senator Leonard and I were members of that Committee, I think was substantially the reason for the entire bill which had so much that was good in terms of protecting the public interest and also establishing a more significant and effective code of ethics for the real estate profession was a major reason for the bill eventually dying in the House, where it did die.

I went over to the House and personally spoke to various members there who were influential in the intent to kill the whole package and one of the reasons that was given to me by several members of the House for the whole package being killed was this amendment which would have required those holding discretionary licenses to take an examination. They felt that the bill was aimed at them personally or at people who had discretionary licenses and thus it was legislation directed at personalities. Nonetheless, the Conference Committee members, and I think the Senate and the Senate Judiciary Committee which had the bill are of the feeling that if people are

to be allowed to continue to have discretionary licenses, they ought at some reasonable time to match the qualifications required of those who get a license in the ordinary way.

However, having in mind the experience of last Spring when an entire bill of some substantial length and some substance was killed, at least in good part because of that retesting requirement, I felt that the goal of getting rid of allowing discretionary licenses in the first place was far more important and that is why SB 15 was introduced in its present language, which merely would repeal the provision permitting the granting of these licenses in the first instance. That takes care of future situations. Now, if we pass it in this form, which I recommend we do, and over in the House enough sentiment is raised to do something about the existing discretionary licenses, I think that is where it properly should originate because it is in the House that the amendment which would have accomplished that caused the defeat of the whole package last Spring and, for this reason, I am going on record as saying I favor both repeal of this discretionary license law altogether and also if an amendment is entered in the House and passed there requiring those now holding discretionary licenses to take the examination in a reasonable time to keep the license. I submit for our purposes, and also being practical, we should pass the bill as introduced and out of committee without amendment.

Sen. JACOBSON: Is there a distinction between this statute which was established in 1970 and those that came under what is known as the grandfather clause?

Sen. NIXON: Yes. When the real estate licensing bill was first enacted, that gave a period of time within which anyone who was in the business could obtain a license without taking the exam or going to a school. Then after that deadline, everyone who wanted one had to go through those requirements. That is the grandfather clause.

Sen. JACOBSON: These persons who are under the grandfather clause, they would in no way be affected by this repeal?

Sen. NIXON: That is correct.

Sen. JACOBSON: Did I understand you to say that all of those who had not previously passed the exam would be required to take the exam?

Sen. NIXON: All of those who obtained their license through the discretionary license provision.

Sen. JACOBSON: Only those; not those under the grandfather clause?

Sen. NIXON: That was the subject of the amendment which was approved by the Senate last Spring and was a good part of the reason for the whole bill being killed. That is not included in SB 15.

Sen. JACOBSON: As I understand it, there are two forms in which this discretionary license has been issued: one is the form which Senator Leonard speaks of wherein a person who has had a real estate business in some other state in the Union moves into this state and could be issued, under the present law, a discretionary license.

Sen. NIXON: I do not know this to be so. I do not know whether or not that non-resident situation is or was intended to be provided for in the discretionary license amendment.

Sen. JACOBSON: Then I fail to understand Sen. Leonard.

Sen. NIXON: I might say RSA 331-A (6) pertains to non-residents and does have some reciprocity, Neither Sen. Spanos nor I can figure out whether he is required to take the exam under that provision. We think so.

Sen. JACOBSON: I do not mean the person who remains a non-resident; I mean the individual who was at one time a non-resident and who becomes a resident — is he eligible for the discreionary license.

Sen. Nixon: I honestly don't know. I think probably that would be a situation where the discretionary license would be sought.

Sen. JACOBSON: In your opinion, who then are the ones who would be receiving it under the statute as presently written?

Sen. NIXON: Throughout the period when I have been involved in the sponsorship of SB 73 last Spring which included the repeal and this Spring in SB 15, I have studiously and successfully, except for those names published in the paper, tried to avoid finding out who has discretionary licenses or how many

have them. I felt the merits of the bill should not be clogged up with personalities. So I don't know how many of those who now have discretionary licenses got them by reason of being non-resident brokers or how many got them for other reasons and who they are.

Sen. MORRISSETTE: I favor this clause but we are not doing anything about the real problem. I have had a number of conferences with the Commissioners relative to the problems of real estate licenses. In fact, I opposed SB 73 and worked with members of the House to kill it and that was for the reason I heard today — because I thought it would create a monopoly. But there is need for legislation, especially in the area of schools and I understand that the Commissioners have no authority over these schools. By removing discretionary licenses, which is necessary obviously, no one will be able to get a license without taking an exam in the future. I have a list of people who have called me. People who are very qualified and one who does not have a job today because we do not accept California and Florida licensing. I think if another state has equal quality in their licensing examination, we should accept their license. Effective this year a person coming from out of state, there is a little gimmick in the law which says you have to requalify. That means taking an examination. I hope there will be an amendment in the House. I agree it probably should originate from there because this is where the feeling is. I don't go along with one of their recommendations to eliminate the examination completely. I think there is need in all the 50 states to have an examination, but it should not be a rigged examination.

Sen. KOROMILAS: I speak for the second time only because the Senator from the 7th District raised some questions with regard to reciprocity. There are some states with whom New Hampshire has reciprocity. There are some instances where we don't have reciprocity. As Senator Leonard stated, this was a good clause when it came in.

Sen. DOWNING: I rise in support of the Committee Report reluctantly. I testified before this Committee and recommended an amendment that would deal with the discretionary licenses that have been issued. Listening to the dicussion and debate here today, I recognize that perhaps some licenses were

issued to people who were very deserving of them. However I am equally aware that some were issued to those who are unqualified, certainly under the standards set forth by the Legislature in the original bill.

Report Adopted. Ordered to Third Reading.

Sen. Spanos moved that the Senate adjourn from the Early Session and that on third reading, all bills be read by title only and that when the Senate adjourns today, it be until Tuesday at 1 o'clock and in honor of Abraham Lincoln whose birthday is Saturday.

Adopted.

LATE SESSION

Third reading and final passage

SB 9, relative to redistricting the congressional districts.

Sen. DOWNING: I plan to oppose this bill and want it specifically noted that I strongly feel Salem should have been included in the First Congressional District.

SB 15, repealing the provisions for discretionary real estate licenses.

Adopted.

RECONSIDERATION

Sen. S. Smith moved reconsideration of SB 9.

Motion Lost.

Sen. Ferdinando moved the Senate adjourn at 1:50 p.m.

Adopted.

Tuesday
15Feb72

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by Senate Chaplain, Rev. William L. Shafer.

SHALOM. We have chosen this day, O GOD, whom we will serve. Help us to give unto Thee the full allegiance of our lives and in all that we think and do may we bring glory to Thy name. Help us to meet our days, day by day, with awareness of the critical times in which we live, with purpose to walk steadfastly in the path of duty, with confidence that Thou wilt use our committed lives according to Thy will, with assurance that Thou art a strong rock upon whom we can stand. Grant us such courage that we may use this day, that is allotted to us, in such manner that it may reflect our devotion to Thee and our fellow citizens. Amen.

Pledge of Allegiance was led by Sen. S. Smith.

INTRODUCTION OF SENATE JOINT RESOLUTION

First, second reading and referral

SJR 1, establishing an interim committee to study the role of the judiciary relative to the concept of the separation of powers. (Jacobson of Dist. 7 — To Judiciary)

ANNOUNCEMENTS

Sen. NIXON: As Chairman of the Interim Committee to Study No Fault Insurance, I wish to advise the Senate that the Report of the Committee has been filed with the President of the Senate, the Clerk of the Senate, the Speaker of the House, the Clerk of the House, the Director of Legislative Services, the New Hampshire Insurance Commissioner and the Governor's office. I also gave one copy to the Chairman of the Senate Banks and Insurance Committee and I have two copies left. Our Special Interim Committee was without funds so there has not been any substantial reproduction of this Report which is 9½ pages in length. I understand that filing this Report with the appropriate officials makes this a public document.

CHAIR: I think we should thank the members of the Committee for their untiring efforts in this regard. If any member of the Senate desires a copy of the Report, the Clerk would be happy to make a copy available to them.

Sen. DOWNING: I move a copy of the Report of the Interim Committee to Study No Fault Insurance be made available to each member of the Senate.

Motion Adopted.

COMMITTEE REPORT

SB 4

increasing fees that ski tow operators pay. Ought to pass with amendment. Sen. Lamontagne for Public Works and Transportation.

AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Fees Increased. Amend RSA 225-A:16, as inserted by 1957, 254:1, bq striking out said section and inserting in place thereof the following:

225-A:16 Fees. The application for registration shall be accompanied by the following annual fees, provided however, that when an operator operates either a chair lift, skimobile, gondola or aerial tramway during both a winter and summer season, the annual fee shall be one and one half the amount shown for that respective lift.

I. Aerial tramway	$300
II. Gondola	300
III. Skimobiles	150
IV. Chair lifts	150
V. Platter pulls	75
VI. J-Bars	75
VII. T-Bars	75
VIII. Wire rope tows	50
IX. Rope tows	20

Sen. POULSEN: SB 4 raises the registration fees that ski tow operators have to pay the state. Under present rates, the amount generated is about $8,000, which does not quite pay for the man the Department of Safety sends around to inspect these installations. Under the new rates, which were first published in the bill incorrectly in some cases — there were typographical errors — and then correctly in the amendment which is in the Appendix of the Calendar, the rate for both summer and winter operations is one and a half times the plain operation. It generates about $16,000, which is enough to supply the inspection service which the state performs. The Committee recommends the bill ought to pass as amended.

Amendment Adopted. Ordered to third reading.

SUSPENSION OF THE RULES

Sen. Jacobson moved the Rules of the Senate be so far suspended as to allow the introduction of a committee report not advertised in the Calendar.

Motion Adopted.

COMMITTEE REPORT

HB 13

to abolish the Enfield village fire district in the town of Enfield and transfer its functions to the town of Enfield. Ought to pass with amendment. Sen. Jacobson for Executive Departments.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Repeal and Dissolution. Laws of 1903, 221, as amended by 1923, 206, relating to the establishment and operation of the Enfield village fire district in the town of Enfield is hereby repealed; and the Enfield village fire district established September 13, 1873 is hereby dissolved.

Sen. JACOBSON: HB 13 is a bill that relates only to the town of Enfield. They have had, since 1873, a separate village fire district. But now the town wishes to eliminate that as a separate district and have the entire matter of water and the problems of fire related under the authority of the governing body of the town. In order to do that by vote at the town meeting, this piece of legislation had to be introduced. The reason for the hurry on this is that it must be completed and signed by the Governor prior to Saturday, the last day for getting the warrant together.

Someone did some research over the weekend and they discovered that this went back to 1873 at a town meeting. What the amendment does is make that date of 1873 clear so that the legislation is without fault.

Amendment Adopted. Ordered to third reading.

PARLIAMENTARY INQUIRY

Sen. KOROMILAS: Has any thought been given to having

a recess of the House and Senate so that we can have these committee meetings in between time and have a chance to allow these bills to get through or have them deliberated upon?

CHAIR: There has been some conversation, but certainly no agreement that a recess might occur. I think it is a little premature to expect a decision of that nature.

Sen. Spanos moved the Senate do now adjourn from the Early Session and that on third reading, all bills be read by title only and that when the Senate adjourns today, it be until tomorrow at 1 o'clock.

Adopted.

LATE SESSION

Third reading and final passage

SB 4, increasing fees that ski tow operators pay.

HB 13, to abolish the Enfield village fire district in the town of Enfield and transfer its functions to the town of Enfield.

Adopted.

Sen. Marcotte moved the Senate adjourn at 1:30 p.m.

Adopted.

Wednesday
16Feb72

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by Senate Chaplain, Rev. William L. Shafer.

IN NOMINE PATRIS, ET FILII, ET SPIRITUS SANCTI. AMEN. O GOD, our Father in Heaven, Who art both Spirit of promise and Spirit of unity, we thank Thee that Thou art also the Spirit of *"renewal."* As we stand on the threshold of another Lenten season, it is our earnest desire to seek that personal renewal that brings true meaning and purpose in our

lives. May these forty days prepare us once again for the joys of the happy and holy season of our Lord's Resurrection. We thank Thee for the work of Thy Spirit in science and commerce, in literature and art and music, in human relations, in political action, in striving for peace and justice, and in seeking that righteousness which shall exalt our nation and people because it is in You, O GOD, that we place our trust and confidence. Amen.

Pledge of Allegiance was led by Sen. Porter.

INTRODUCTION OF SENATE BILL

SB 23, requiring that a capias may be served by police officers. (Leonard of Dist. 13 — To Judiciary)

HOUSE MESSAGED BILLS
First, second reading and referral

HB 7, authorizing state agencies to maintain certain records to qualify for federal funding. (Ways & Means)

HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible. (Education)

HB 14, relating to the exclusive civil jurisdiction in district courts. (Judiciary)

HB 15, legalizing certain town meetings in the towns of Auburn and Newington and certain votes and proceedings of the planning board of the town of Newington. (Executive Departments, Municipal & County Governments)

HB 16, relative to tax exemption for reclaiming swamps. (Resources & Environmental Control)

HB 19, authorizing Nathaniel Hawthorne College to grant baccalaureate degrees. (Education)

HB 21, relative to the New Hampshire American Revolution Bicentennial Commission. (Executive Departments, Municipal & County Governments)

HB 25, establishing procedure for authorizing action by the spouse or next of kin of prisoners of war or persons missing in action. (Judiciary)

HB 34, permitting appeals from municipal and district courts in neglected children matters. (Judiciary)

HB 37, providing workmen's compensation coverage for all volunteer or auxiliary members of fire or police departments, whether paid or not paid. (Executive Departments, Municipal & County Governments)

COMMITTEE REPORTS

SB 8

to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor. Ought to Pass. Sen. R. Smith for Finance.

Sen. R. SMITH: This is the biennial bill which provides money for the cumulative pocket supplements for the RSA. It is very necessary and vital to our operations to have the RSA correct.

Adopted. Ordered to Third Reading.

SB 1

establishing an environmental protection division in the office of the attorney general and making an appropriation therefor. Ought to Pass. Sen. R. Smith for Finance.

Sen. R. SMITH: This is the same bill that passed this body during the regular session and once again came before this body two or three days ago from Senator Porter's Committee. We recommend its passage.

Sen. KOROMILAS: Sen. Porter, SB 1 which has to do with setting up two Attorneys General to handle certain pollution problems appears to preempt the right of a citizen who may want to bring an action to abate a nuisance or pollution. Is that your understanding of the bill?

Sen. PORTER: No. I think the intent of the bill is to bring to bear appropriate attorneys to initiate the enforcement of existing laws on the books today relating to environment and pollution abatement. It is not the intent to preempt any citizen's right to outlaw or stop any active pollution source.

Sen. MORRISSETTE: Sen. Smith, I have not as yet seen the breakdown of the $5 million surplus. I assume this is incorporated in that budget. Although I support the bill, don't you feel we should see the total picture so that we can use our

proper discretion as to distribution of money. Where is the budget?

Sen. R. SMITH: I am not sure I fully understand that question. To begin with, I disagree with your contention that there is a $5 million surplus. I would prefer to call it $5 million of unappropriated funds. Secondly, if there is money available to fund this bill, it would have to come from that $5.2 million of unappropriated funds which have not been budgeted completely yet.

Sen. MORRISSETTE: When are we going to get that budget? Without that bill, how can we judge the merit of spending this money here?

Sen. R. SMITH: HB 43, which is the so-called budget bill, has to be sent to this chamber by the 7th legislative day, which should be next Tuesday.

Sen. MORRISSETTE: This is incorporated in that budget?

Sen. R. SMITH: No. It is not a part of the budget. This is what is termed a "legislative special" over and above what is in the budget.

Sen. MORRISSETTE: But, where will we get the money for this?

Sen. R. SMITH: The budget does not provide money. The budget spends money. If there are funds left over after the expenditures in the budget — HB 43 — those funds can be applied to this type of legislation.

Sen. DOWNING: In considering approval of this bill, did the Finance Committee consider where the money will come from or whether it really existed?

Sen. R. SMITH: I think we did, yes. I think all of us realize the situation as to where the money is and the possibility of money. If there is $5.2 million of funds that are at this point unappropriated, then there is money available for this bill.

Sen. DOWNING: Has the Finance Committee set up any priorities? It seems in the last regular session the Legislature reneged on a commitment to the communities to reimburse them at the rate of 10% on the business profits tax and reduced

it to 5%. Doesn't the Committee have any sympathy or feeling that any additional funds that might be available should be allotted to this area first?

Sen. R. SMITH: To answer your question directly, I would have to poll the Committee. I know I have sympathy. Secondly, we have not received the budget bill yet. We do not know what the House is proposing as to their priorities for this money. We have not actually met and discussed our priorities up to this point. Thirdly, as I answered Sen. Morrissette, I don't call this a $5 million surplus because I am fully cognizant of the fact that in at least five areas where we aided local communities, we took away $10 million from them. Another area is the one you mentioned where we reneged on the 10% built-in factor and went back to 5%. So, I can't say that we have a surplus when six months ago we dumped the bill on the communities.

Sen. DOWNING: Don't you feel it would be better that the Finance Committee consider all of these aspects and that you as Chairman be certain that they consider them and set your priorities before recommending an expenditure of money for something new?

Sen. R. SMITH: Are you calling for a personal opinion from me?

Sen. DOWNING: No, as Chairman of the Committee.

Sen. R. SMITH: We have to take things as we receive them. We have had this bill referred to us. We have to send it out to the other house before 7 days. We feel in principle that this is a good bill and it should be funded and we think that there is a possibility that the funds are there.

Sen. DOWNING: Then the Committee has, in fact, established a priority that this is of vital importance and more important than some of the deficiencies that now exist?

Sen. R. SMITH: No. The Committee has established the fact that it considers this bill sufficiently important to recommend its passage to this Senate body at this time.

Sen. NIXON: Sen. Porter, if I understand it correctly, even though by passage of SB 1 we are establishing an Environmental Protection Division in the Attorney General's office which, by the terms of this legislation, calls for the Attorney

General's office to enforce the laws on complaints of private citizens, etc., you nonetheless feel that the passage of the law as we now have it would not prohibit any common, ordinary, average, private citizen from also being able to institute litigation or a complaint in his own name without first having to have it screened by the Attorney General's office to enforce an environmental law? Is that correct?

Sen. PORTER: That is correct according to my understanding of the bill. It does not preempt that prerogative on his part.

Sen. NIXON: So that he could either go it on his own or he could proceed in the first instance by complaint to the Attorney General's office or, as a third option, he could probably go it on his own and perhaps get the assistance of the Attorney General's office in prosecuting the matter.

Sen. PORTER: I feel he could.

Sen. KOROMILAS: Sen. Smith, I am very interested in the term of art that you have introduced in this debate, and that is "unappropriated funds." Are you attempting to substitute or introduce a new concept in our relations in the Senate and House with respect to budgets?

Sen. R. SMITH: I don't think this is a new concept. It is a term I wish to apply to this money. Had we felt that these funds were available in July when we finalized our decisions, we would have appropriated them and we probably would not have taken as drastic action as we did in some areas. I think you may be familiar with what constitutes this $5 million. I can give it to you in rough terms: $1 million on the plus side because the deficit that had been projected at the end of July proved to be $1 million less than we thought at that time. We have the advantage of hindsight now because we are six months ahead of that period of time. So there was $1 million there. There was an error — I don't know on whose part — but when they calculated the amount of money to be reimbursed to cities and towns there was an extra $1 million in there. I am not certain why but I know that the fact existed and there was a sum of money there. The third factor is another slight increase in revenues which were not anticipated as high in July as they are now, because we have had 6 to 7 months experience to project better.

Sen. KOROMILAS: Are you suggesting that because we do have monies available, these don't represent a surplus insofar as our fiscal procedures?

Sen. R. SMITH: There are monies that are available now, but I don't call them a surplus. I would consider them a surplus if we ended up at the end of the biennium with the $5 million.

Sen. KOROMILAS: So really there is no $5.2 million surplus. Is that correct?

Sen. R. SMITH: As I have stated before, I prefer to call it $5 million of unappropriated funds — funds that would have been appropriated in July if we had the information then that we have now.

Sen. KOROMILAS: It is possible, is it not, to take out the appropriation in this particular bill and then pass the bill without the appropriation and then add in the actual budget this amount so that you can take into account the question of priorities that Sen. Downing raised?

Sen. R. SMITH: This is a possibility.

Sen. Downing moved SB 1 be recommitted to the Committee on Finance.

Sen. DOWNING: I will not address myself to the intent or accomplishments of the bill, but rather strictly to the cost and funding of it. I would ask this body to recommit it to the Committee at this time and let the Committee reconsider its position and consider some of the thoughts injected in the debate here relative to the thinking of the Finance Committee and the setting of priorities and not setting priorities and the possibilities of processing the bill without funding and accommodating the Joint Rules and later putting in the funding.

Sen. PORTER: Sen. Downing are you on the Committee on Finance?

Sen. DOWNING: No, I am not.

Sen. PORTER: Did you come and appear before Committee and lay out a series of priorities which you felt might be adhered to?

Sen. DOWNING: No, I did not. I assumed the Committee would do this themselves.

Sen. S. SMITH: I rise in opposition to the pending motion. I think the Finance Committee gave this bill full consideration. We have many laws on the books today dealing with the problems of pollution of our environment. We have a state which is one of the most beautiful, I think, in the country. We have had a population growth in the last 10 years in excess of 20%. I think our environment is in danger. I think this is a No. 1 priority so that these laws which we do have on the books can be enforced. To recommit this bill to Committee, I think, would serve no purpose. I would hope that this bill could be passed on to the House since the budget will not come in until the same day as the deadline when the House has to bring in the appropriations bill. I think these matters can be worked out between the Senate Finance Committee and the House Appropriations Committee and possibly a Committee of Conference.

Sen. DOWNING: Couldn't this bill be recommitted to the Committee today; be back on the Calendar tomorrow for action without money; be acted upon by this body in plenty of time relative to the Joint Rules and schedule and have money added to it later when and if the money is available?

Sen. S. SMITH: This could happen. But it seems to me that when this bill was drafted with money in the bill, it gives the members of the Senate and the members of the House a more adequate realization of what the cost of this program is. I think it would be perfectly possible to do what you suggest, but I don't think there is any need for it. I think by passing it on, it will give the House that much more time to consider it.

Sen. DOWNING: Do you know where the money is going to come from to fund this bill?

Sen. S. SMITH: No, I don't at the present time. But I do believe that both the House and Senate, as we get a clearer picture of these demands, are going to firm up our priorities. I think the Senate Finance Committee felt yesterday in its deliberations that this bill, because of the crisis in our environment in this state and throughout the country, is a bill which has high priorities.

Sen. DOWNING: Don't you feel that the publication of the cost of this bill provides the knowledge to both this body and the House as to the cost of this so that they can consider this in any of their actions?

Sen. S. SMITH: Yes, but I think it is just as realistic to send it on with the figure in it.

Sen. DOWNING: Even though you don't know that you have the money to fund it?

Sen. S. SMITH: This has to be funded to make it a workable piece of legislation. I think that the determination as to the availability of funds will be made in the not too distant future when other bills come in with appropriation figures so that we can get a look at all of them.

Sen. SPANOS: With due respect to my colleague from the 22nd District, I rise in opposition to the Motion to Recommit to the Finance Committee. First of all, let me say that I was not present at the Committee hearing. Somehow or other the Calendar fouled me up and I did not hear the testimony. But, if I had been there, I would have considered this legislation a priority in my own mind. I feel as strongly as does Sen. Smith that this Legislature must do something in the area of environmental control and this is an excellent start.

But I do want to take this opportunity to publicly express my thanks and appreciation to Senator Downing for raising what I believe to be a very vital concern to us on the Finance Committee and those of us in the Senate — and that happens to be the fact that we have to establish priorities. I think the idea as expressed is one that has a great deal of validity and one that the Finance Committee and the Senate should take into consideration in the future as these measures come before our Committee and chamber.

Sen. MORRISSETTE: I have no objection to the bill. However, I feel it is wrong that a small minority of the people here should have nothing to say regarding the spending of this $5 million. I feel that this budget should be here so that we can evaluate the priorities. The priorities will be decided primarily by the majority. We will spend the money before we get the budget.

Sen. R. SMITH: Sen. Morrissette, do you realize there is a bill — HB 43 — which is the so-called budget bill?

Sen. MORRISSETTE: Yes. I have not read it and studied it.

Sen. R. SMITH: Do you also realize that when this bill is

referred to the Senate, the Senate Finance Committee will hold a public hearing at which time you may testify or any other senator may testify as to his or her priorities.

Sen. MORRISSETTE: If I testify on HB 43 and you have already spent the money today, for example on three bills that you are reporting for the Finance Committee and I don't know how many more you intend to bring in tomorrow, I can't with any reasonable amount of intelligence discuss the relation of this with the budget bill.

Motion to Recommit Lost.

Sen. DOWNING: I rise in opposition to the pending Report. I rise again, not in opposition to the concept of the bill itself; I am objecting solely to the fact we are financing something when we don't know where the money is coming from and there is no reason why the Legislature cannot proceed without the financing and the money put in when and if we have it.

Report adopted. Ordered to third reading.

SB 14

making an appropriation from the Nesmith Trust Fund and changing the annual appropriation therefrom. Ought to pass. Sen. R. Smith for Finance.

Sen. R. SMITH: In 1869, Mr. Nesmith left to the State of New Hampshire the sum of $60,000 and some property with the provision that the money be spent for aid to blind people. The will also stipulated that 6% each year be appropriated for this purpose. Originally the sum, I think, was $3,700. If the interest on the Trust did not equal the sum of $3,700, the State made up the difference so that the appropriation could be made. Along about 1914 to 1917, the property was disposed of and the proceeds of that also became a part of the Trust and this made the body of the Trust $80,000 rather than $60,000 as it was before. At that time, the 6% was not raised from $3,700 to $4,800 to reflect the larger Trust. I think there is probably a legal question that since that period of time the State might have been in possible violation of the terms of that Trust. It is for this reason that SB 14 has been drafted so that the 6% provision can be adhered to. This raises the expenditures from $3,700 to $4,800 and also provides that the money that is built in from excess interest also be spent. This is my understanding of the bill.

Report Adopted. Ordered to third reading.

SB 13

permitting minors to receive certain medical treatment without parental consent. Ought to pass. Sen. Koromilas for Public Health.

Sen. KOROMILAS: SB 13 would allow a child 14 years of age or older to submit herself or himself to a licensed physician for the medical diagnosis and treatment of venereal diseases without the knowledge and consent of the parent or legal guardian of the minor. I think it is a sad commentary on something which is happening to this society of ours that a child must go into a doctor's office and is so alienated from his parents that they do not know what the child is afflicted with. I think that something has to be done and the best thing that can be done under these circumstances is to allow these children who don't care to seek parental consent, who feel that they don't want to be criticized, to go to a doctor and be treated. It is a difficult thing to swallow, but I guess this is what we are coming to.

Sen. JACOBSON: If this individual were to be treated by a physician unbenownst to a parent and that treatment were to be defective in some way and create either death or injury or some problem, what would be the liability factor for the phycisian?

Sen. KOROMILAS: That would be a regular malpractice case. I don't think the child in volunteering to be diagnosed and treated is giving the doctor the right to practice his art negligently.

Sen. JACOBSON: So that in this instance the parental prerogative will not be abrogated.

Sen. KORMILAS: They are to the extent that the parent does not know what is happening to his child in the doctor's office.

Sen. JACOBSON: But in the liability, it is not?

Sen. KOROMILAS: No.

Sen. JACOBSON: Sen. Snell, did the Senator from the 7th District speak to you about a ski accident amendment?

Sen. SNELL: Yes, you did.

Sen. JACOBSON: Did the Committee make any discussion at that point?

Sen. SNELL: I think that the amendment that might be offered if it pertained just to skiing accidents, this is fine.

Sen. JACOBSON: If an amendment were drawn for skiing accidents since that is the area where the greatest problem exists, would the Committee be amenable to it?

Sen. SNELL: If it pertained only to skiing accidents and was worded as such.

Sen. Jacobson moved SB 13 be made a Special Order of Business for Thursday, February 17, at 1:01 p.m.
Motion Adopted.

SUSPENSION OF THE RULES

Sen. Spanos moved the Rules of the Senate be so far suspended as to permit the introduction of a committee report without proper notice of hearing and without notice of committee report.

Sen. KOROMILAS: SCR 1 pertains to memorializing the President regarding the treatment of Jews in the Soviet Union. The "Resolved" clause asks that the President be memorialized to call upon the Soviet government to permit the free exercise of religion by all citizens in accordance with the Soviet Constitution; to end discrimination against religious minorities; permit Russian citizens to emigrate from the Soviet Union to countries of their choice as affirmed by the United Nations Declaration of Human Rights. That is the substance of the Resolution.
Motion Adopted.

COMMITTEE REPORT

SCR 1
memorializing the President regarding the treatment of Jews in the Soviet Union. Ought to pass. Sen. Spanos for Rules.

Sen. KOROMILAS: As I indicated, this is a Senate Concurrent Resolution. I think we all know what is happening in the Soviet Union with respect to the minorities there. Some people are being denied their rights and privileges with respect to recognized religion. Some people are being deprived, and not allowed to practice their religion. There are also many people in the Soviet Union — minorities including Jews — who

would like to leave Soviet Russia but have been prevented from doing so. This Resolution is similar to resolutions passed in other legislatures and I am told that at least 25 legislatures have already passed this type of resolution. All it does is ask the House and Senate to send a copy of this Resolution to the President asking him to do something on the foreign policy front to help these people who cannot exercise their religion or cannot leave to go to the country of their choice.

Report Adopted. Ordered to Third Reading.

HOUSE CONCURRENCE IN SENATE AMENDMENT

HB 13, to abolish the Enfield village fire district in the town of Enfield and transfer its functions to the town of Enfield.

Sen. Spanos moved the Senate do now adjourn from the Early Session and that on third reading, all bills be read by title only and all resolutions by captions only, and that when the Senate adjourns today, it be until tomorrow at 1 o'clock.

Adopted.

LATE SESSION

Third reading and final passage

SB 1, establishing an environmental protection division in the office of the attorney general and making an appropriation therefor.

SB 8, to provide for cumulative pocket supplements for revied statutes annotated and making an appropriation therefor.

SB 14, making an appropriation from the Nesmith Trust Fund and changing the annual appropriation therefrom.

SCR 1, memorializing the President regarding the treatment of Jews in the Soviet Union.

Adopted.

RECONSIDERATION

Sen. Porter moved reconsideration of SB 1.

Motion Lost.

Sen. Nixon moved the Senate adjourn at 2:25 p.m.

Adopted.

Thursday
17Feb72

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by Guest Chaplain, The Rev. H. Franklin Parker, Pastor Emeritus of the Chichester Congregational Church.

O Thou Who withholdest no good thing from him who walketh uprightly and worketh righteousness and Who bestowest from the plenitude of Thy supply a full measure of wisdom and truth upon them who trust in Thee; give, we beseech of Thee, the understanding that these servants of the people need for the work to which they have been appointed that they may be instrumental in promoting some good work in their several spheres of endeavor.

We pray for the leaders of this great land of ours; may they be given courage and initiative to stand undeviatingly for justice and the right and may righteous causes flourish and prosper for we believe, according to Thy Word of truth, that "righteousness exalteth a nation" in every age and moral integrity is the foundation upon which every nation that is honored of Thee must stand.

We remember to give thanks for all Divine ministries. Thou dost visit the sick and the sorrowful and Thy word is "Peace I leave with thee." Thou dost guide and illumine the way of those invested with political responsibilities. Make us ever grateful for Thy bountiful solicitude and may Thy Name be honored through all that we shall do through Jesus Christ our Lord. Amen.

Pledge of Allegiance was led by Sen. McCarthy.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 24, relative to solid waste disposal laws. (Bradshaw of Dist. 10 — To Resources & Environmental Control)

ENROLLED BILLS REPORT

HB 13, to abolish the Enfield village fire district in the town of Enfield and transfer its functions to the town of Enfield.

Sen. Ferdinando
For The Committee

Adopted.

COMMITTEE REPORTS

SB 7

providing that associate justices of the superior court or masters, in addition to judicial referees, may sit as chairmen of panels to hear professional malpractice claims. Ought to pass with amendment. Sen. Nixon for Judiciary.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

providing that associate justices of the superior court, justices of the district court, probate judges, or masters, in addition to judicial referees, may sit as chairmen of panels to hear professional malpractice claims.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Additional Definition. Amend RSA 519-A (supp) as inserted by 1971, 338:1 by inserting after section 1 the following: 519-A:1-a Definition. The term "judicial referee" when used in this chapter shall mean a judicial referee, an associate justice of the superior court, a justice of a district court, a probate judge, or a master, appointed by the chief justice of the superior court.

2 Effective Date. This act shall take effect sixty days after its passage.

Sen. NIXON: SB 7 was sponsored at the request of former Chief Justice John Leahy of the New Hampshire Superior Court who, by reason of his retirement, is one of the two eligible judicial referees in the State; that is to say, a retired supreme

or superior court justice. This bill, if adopted, would amend the existing law passed by us at the 1971 regular session providing for malpractice arbitration panels and further providing that the chairman of the three man panel be a judicial referee. Inasmuch as there are only two judicial referees in this State, the feeling was they would be overburdened by duties in this area because it now appears quite a few people have claims they wish to submit to such panels. The suggestion was that the chairmanship of the panel, in terms of persons who are eligible to serve as chairmen, be increased in numbers so as to more equitably distribute the workload; and thus the amendment which appears before you. The amendment further increases the eligibility list of those who can serve as chairmen by including justices of district courts, probate judges and masters appointed by the court; the appointments in every such instance to be made by the Chief Justice of the Superior Court.

Adopted. Ordered to Third Reading.

SB 12

permitting the industrial development authority to exceed its bonding limit if found necessary by governor and council to protect the interest of the state in any project. Ought to pass. Sen. Poulsen for Public Works.

Sen. POULSEN: This bill, introduced by Senator Smith of the Third District, increases the IDA's ability to bond or loan money on recreational projects $1 million. It does not require any new money; it is just a transfer within the department. Their money is limited in amounts to different types of projects. Because of the poor winter on snow, there is a possibility there may be some ski areas in trouble and this money is to protect the State's already investments in those areas. If any of them do go bankrupt, the State has money enough, with the use of this million, to buy them back again and resell them without having to take a loss on bankruptcy.

Sen. KOROMILAS: This goes beyond skiing? It covers every phase of recreation?

Sen. POULSEN: That is right. Recreation is a broad term. The reason for the request was because of the danger to some ski areas. But it is for the total recreational aspect of it.

Sen. KOROMILAS: How would this bill, if it became law, help a skiing group that was really in trouble?

Sen. POULSEN: It will not help the group; it would help the State not to lose money they have already loaned or guaranteed.

Sen. KOROMILAS: Would you tell us how it works.

Sen. POULSEN: It would work in that, if there were a foreclosure, this money would enable the IDA to cover the deficiency and negotiate a sale so that it would not actually go through a bankruptcy proceeding.

Sen. KOROMILAS: Would this authority be vested in the IDA if there was no threat of bankruptcy?

Sen. POULSEN: I don't think so.

Sen. KOROMILAS: I would like to know how broad does the power lie with the Council and Governor to allow an additional loan or authority to issue bonds? It says "to protect the existing interest."

Sen. POULSEN: As I understand it, it has to be approved by the Governor and Council as to the necessity for the move to protect money that is already invested.

Adopted. Ordered to Third Reading.

SB 10

redistricting certain state senatorial districts. Ought to pass. Sen. S. Smith for Majority of Reapportionment Committee. Ought to pass with amendment. Sens. Downing and Spanos for Minority.

Sen. S. SMITH: What this bill does is make adjustments in the senate redistricting which are necessary because the City of Manchester voted last November to redistrict and realign the wards within the City of Manchester and reduce the number from 14 to 12. Due to the fact that there are several senate districts within the City of Manchester, this means to conform the population formulas we must redistrict the senate in these areas.

What it basically does is this. Senate District 16 will contain Wards 1 and 2 in Manchester, plus about 6 towns. District 17 would encompass two wards, plus about 8 or 9 towns. Senate District 18 would contain Wards 5, 7, 8 and 9. Senate District 19 would encompass a group of towns. The only change actually in the existing District 19 is the town of Chester which was

moved into District 19 so that we would be closer on our redistricting to equal size of senate districts. The only change there is the addition of Chester and taking it out of the other district. Senate District 20 would be composed of four wards — 3, 10, 11 and 12 in Manchester. This is what the bill does and we feel that it gives a very close proximity to the requirements — as close as we can get to the requirements — as established by various court decisions. I believe that each senator has a sheet showing the district number, population, the difference in numbers from the average or mean size of a district, and the percentage of variance. You will notice that there are only probably six districts which fall between the level of 3% and 4% variance from the mean. The rest are below that level and, because of the number of districts, we feel it is almost impossible to get closer than presently exists.

Sen. McCarthy moved adoption of the amendment printed on page 13 of today's Calendar.

Sen. McCARTHY: I suppose you could probably call this a housekeeping amendment. It is just a minor administrative change to make the senatorial districts conform a little bit. Actually, it is very, very simple. And I think the simplicity of the amendment speaks for itself as to its merit. Rather than have a comprehensive change — a complicated matter — all that was necessary here was to conform consistent with the idea of appropriating Manchester. SB 10 has given Manchester two senatorial districts comprised of 4 wards each. That has been accepted and done. Senator Morrissette would probably represent one and maybe Senator Provost or myself the other. That concept is already advanced and accepted. There are 4 other wards left in Manchester and it would seem to me to be a logical thing to put those 4 wards also into a third senatorial district. That way you have three urban representatives; each one representing 4 wards. But it wasn't done that way. In the reapportionment bill rather than go that route, they have taken Wards 1 and 2 of Manchester and grouped them with 6 towns to the north, some 25 miles north. And then they have taken Wards 4 and 6 in the heart of the city and ran that about 35 miles into Brentwood and up to Strafford. There doesn't appear to me to be any logic for this. It is just beyond me why it was done in this fashion. It seems much more logical to me to take Wards 1, 2, 3 and 4 for one district; Wards 5, 6, 7 and 8 for another;

and Wards 9, 10, 11 and 12 for another. You would have 3 senators from Manchester. We have spoken about this before in here — how the views and ideas and the needs of urban people may not be the same as far as representation of people living in rural districts. I can think of one classic example right now and that is the Trowbridge-Menge bill they are kicking around — whether it is going to be 4½% or 5½% to include dual enrollment. Now I think in Manchester, for instance, that is one of our key problems and that is also a State problem. So, as far as representation goes, I think a representative ought to be speaking for the people who have that problem and not the people in other parts of the State who do not have anything to do with it. I don't see how a man can represent, accurately or fairly, the people in Manchester and the people in Brentwood at the same time. I think it is an impossibility no matter how hard they want to try. So, I think the logical thing would be to take the towns north of Manchester and the towns east of Manchester and group them into one district and have that a senatorial district and have 3 senators from Manchester.

Now, I know in this redistricting plan, everybody is concerned about where everybody else lives, etc. It seems like they redistrict almost to make the senators happy and forget about what the people have to say. That is why, although I had recommended earlier a simple breakdown of Wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, I have not proposed that. My amendment does not call for that at all. My amendment stays exactly the same as it is now. In other words, I will end up in the same district as Senator Provost. There is absolutely no change. And this is just to show the sincerity of my motives in doing this. It does not have a solitary thing to do with me running for the Senate or to make me happy. But it does have a lot to do with the people in Manchester and the people in the State of New Hampshire.

I am as concerned about the people in the rural areas as I am about the people in Manchester. It just can't be done if people want to conveniently slice up the City of Manchester. And I know the Senator from Newport last year spoke about Manchester having been carved up in such a fashion that Jack the Ripper would be proud. Well, I would like to inform the Senate that Jack the Ripper evidently is alive and well. It really is being sliced up in much the same fashion. So the proposal

that I have, I think, is very simple and I think the simplicity of that amendment speaks for itself and adds an awful lot of merit to the fact that the people in Manchester have the right to be represented by 3 senators and it would not be sliced up or cut up arbitrarily to make either senators here happy or a particular political organization happy.

Sen. SPANOS: I rise in support of the amendment offered by my distinguished colleague, Sen. McCarthy of Manchester.

I would like to coin a phrase, if I may. This is "Phase II" of the redistricting debate which took place one hot summer's day at the last regular session of the Legislature. For many reasons, the atmosphere is less strained and I think that is good because I think cooler heads may prevail.

I want to take this opportunity to thank Chairman Smith for allowing Sen. McCarthy the time to evolve the amendment which is before you this afternoon. Although the Committee rejected the plan, still sufficient time was permitted to put together the amendment for your consideration. I could say that it could have been acted upon earlier and I think the debate today would have ended up like the last one. Although I appreciate the Chairmen's cooperation, we are still very disappointed and troubled over Manchester's reapportionment.

I think that Sen. McCarthy's amendment is a rational, sound and equitable one. Its main thrust is to prevent Manchester from being cut up into pieces and made a part of 4 different senatorial districts; thus diluting the full potential of the communities' social, economic and political philosophies. I only wish that we had the time to promote a similar alignment for Nashua which, I believe, suffers from the same fragmentation.

What I am going to say now may sound peculiar to you, but I sincerely mean it. Sen. McCarthy's bill is not personally motivated. You have heard that. I also say — and this is the peculiar aspect of it — it is not politically motivated either. The existing bill offered by the Majority of the Committee, in my opinion, will tend to create 3 democratic districts and 2 republican districts. On the democratic side, you have District 14 with 2 wards in Nashua and Hudson and Londonderry; District 17 with 4 wards in Manchester; and District 18 with 4 wards in Manchester. And on the republican side of the ledger, you will create two senatorial districts which will tend to be republican:

Manchester Wards 1 and 2 with the towns to the north and Manchester Wards 4 and 6 and the towns to the east. Sen. McCarthy's amendment does not change that lineup as proposed by your Committee. I still think it will tend to be 3 democratic and 2 republican. On the democratic side, you will have 3 districts in Manchester; on the republican side, throwing the town of Auburn into District 14 will make that a republican seat and then, of course, you have all the other towns grouped together — those to the north and those to the east of Manchester — which would most definitely be a republican stronghold. So there isn't any real difference here insofar as the lineup of contests is concerned. Too often in redistricting we are concerned with perpetuating a particular senator's political status and many times that is the weakness of redistricting. I hope that we can avoid that mistake today.

Sen. McCarthy feels that the population figures, as he has broken them down, pretty well follow the norm as established by our Committee Chairman who did quite an extensive research job in determining the norm to be used. I think they follow the guidelines of the Chairman. And, even if they did not, even if they were off some, there is less chance of a constitutional assault because of these minor discrepancies than there is if you leave Manchester as disfigured as it is now under the proposed bill, And, as sure as my name is Harry Spanos, if this bill passes without Sen. McCarthy's amendment, the effort to set aside the entire redistricting bill will be made.

And, on this rather bleak note, I conclude with the hope that you will support the amendment.

Sen. PROVOST: Sen. Smith, under your plan could Manchester be represented by 4 senators?

Sen. S. SMITH: Yes. Not totally, but it will have 4 senatorial districts involved within the City.

Sen. PROVOST: Four could be elected within Manchester?

Sen. S. SMITH: Correct.

Sen. KOROMILAS: Sen. Smith, since your Committee decided to do something in this particular area with respect to Manchester, was any thought given by your Committee with respect to what is definitely going to happen in the college

towns — Durham, Hanover — where those people going to the universities will be able to vote? There are 10,000 in Durham and there are probably 4,000 or 5,000 in Hanover and I am sure in Plymouth, it will happen there. Has any thought been given in this respect? I note from some kind of a handout that District 21 is going to have 29,000 and the average district is 30,000. If you added 10,000 from Durham, that will make that district 39,000.

Sen. S. SMITH: We have done our redistricting based on the thesis that college students will not be voting for state offices in that district. The House has redistricted that way and we have also.

Sen. KOROMILAS: It is my understanding that the Attorney General has made a ruling if a person declares it is his intention to remain in a college town, whether it be state or federal, that person can vote in that city or town. According to the Attorney General's decision when he agreed on some kind of statement with Civil Liberties Union, he said if a person goes to the supervisor of the checklist and states that he intends to remain a resident of a town, then he, by virtue of making this statement to the supervisor, may go on the roles. This is my understanding.

Sen. S. SMITH: This opinion may be handed down, but my reply would be that I think at this juncture it would be very difficult to determine what effect this is going to have on our redistricting plan and how many of these people are going to vote locally. I think, for instance — and I am sure this happens in Durham; it happens in Plymouth; it happens, I am sure in Keene; probably not to as great an extent in Hanover — a lot of these students go home over the weekends. They are, in effect, living at home. I am not convinced that the proportion of these who are going to be staying and living and declare themselves residents of that college community will be that great. I have seen no figures here which would change my thinking on it.

Sen. KOROMILAS: All we are doing here is trying to get an equal distribution under the one man-one vote principle; each district will be equal inasmuch as it can possibly be made so.

Sen. S. SMITH: This is correct.

Sen. KOROMILAS: We are not talking about the number of people who may or may not go to vote. My question really is, if a person can vote, aren't we adding 10,000 if these people decide they want to declare themselves as residents at that time?

Sen. S. SMITH: This may be. But I do not see a great urge in the college communities for students to declare themselves as residents of that community.

Sen. FERDINANDO: It has been insinuated here that fairness has not prevailed as it relates to Manchester. Actually, nothing could be further from the truth. Last session, Senator McCarthy's district was tied in with the republican towns so it made it very awkward for him or for any democrat to get elected in that particular district. But I think it is important for everybody to understand that the way it is currently set up, Senator McCarthy is locked into 4 of the strongest democratic wards in the state of New Hampshire — certainly the strongest democratic wards in Manchester. It is so strong that republicans won't even run for alderman or the state senate. I think it is important that this is made very, very clear that if anybody is going to feel sorry for Senator McCarthy, he has no republican opposition in that district. He has nothing to do but face a Primary and, once the Primary is over, he is almost assured of being elected. I think many of us would be very envious of the same position that Senator McCarthy is in today. I don't know of any other state senate in this country that would have given the consideration to the minority party that this Committee chaired by Sen. Smith has given. I think that possibly the only way that some people might be happy is that if they were guaranteed they would be automatically elected without having to campaign and by staying home and, even then, I am not sure they would be happy.

Sen. McCARTHY: Are you aware of the fact that I made no change at all — suggested no change at all — in that heavy democratic area? I am happy, pleased as punch, to be there. And I did not even talk of changing that in any way at all. All I talked about was the senatorial districts and I really have nothing to do with them except in terms of fairness. Now, you keep alluding to the fact that it is because of me. I didn't change the 18th District which is the one that was on the original bill and it is there right now. I made no change in that one whatso-

ever. All I am talking about is the City of Manchester being represented. For instance, in the District you represent, do the majority of the people come from the towns or from the city of Manchester?

Sen. FERDINANDO: The majority of the people will come from the same place they have been coming from for the last 10 years, as far as I know.

Sen. McCARTHY: And what is that? Is that from the towns?

Sen. FERDINADO: No, I think a half of the people are from the city and a half are from the towns.

Sen. JACOBSON: Sen. Spanos, the last sentence of your very fine speech interested me. You intimated you might take the matter to another branch of the government, namely the judicial branch. Is that correct?

Sen. SPANOS: No, it is not. Because you indicated you would take it to another branch. I did not say that I would, I am saying that I believe that if this bill passes as is, there will be effort to take it to another branch.

Sen. JACOBSON: Would you support such a contention?

Sen. SPANOS: Yes, I would.

Sen. JACOBSON: In the judicial cases that have been handled with regard to the 14th Amendment, the argument has always been that the district shall be apportioned on the basis of equal weight of each voter?

Sen. SPANOS: I think you are probably correct.

Sen. JACOBSON: In the plan that was proposed by Sen. Smith, is there anything that nullifies that basic proposition?

Sen. SPANOS: Yes, it does. And that is why I said originally the cases that are cited on one man-one vote go beyond the mere fact that you take into consideration the number of people in the particular district. It also takes into consideration the geographic layout of the community and the section. In other words, we could take a district and send it all the way across the state of New Hampshire to the west coast and still come within the 30,000 purview and yet, I am very sure, it would run afoul of constitutional debate and contest. The

geography of the given area is also of significance and that is why I said what you were quoting is pretty close to being right.

Sen. JACOBSON: In other words, any severe case of gerrymandering or non-contiguous areas would be ruled out?

Sen. SPANOS: The word "gerrymandering" is probably the appropriate one. I did not want to use it today in my deliberations because the last time it brought about quite a furore.

Sen. JACOBSON: So it is your opinion this is, in fact, severe gerrymandering?

Sen. SPANOS: Yes, I will use it now with less emotion than I did 5 months ago.

Sen. DOWNING: I rise in support of the amendment as proposed by Sen. McCarthy. I think the arguments he set forth were similar to those I recently expressed relative to the Congressional redistricting — that of the urban versus rural problems. I am equally concerned with the City of Nashua and I feel it would be better represented by more concentration of senators than what it is cut up to be now. However, my new district does not include any section of Nashua and I defer to the senators who will be representing Nashua who feel there is no problem at all for that city. Senator McCarthy being a senator from Manchester now, the Manchester City government Board of Aldermen went on record as being very unhappy with the proposed redistricting and I think when a city cries out in this matter for justice, they should be listened to and this body should give them every consideration.

Sen. LEONARD: I rise in opposition to the motion. Although it has not been discussed, in reading the amendment it is quite obvious that Nashua has a change in District 14. This is now Nashua, Hudson and Londonderry. This amendment takes Auburn, which is about 25 miles away, and attaches it to District 14. I agree with a lot of the statements made by Sen. McCarthy and the Minority Leader. In matters like this, the vote will be by party lines most of the time. The minority party always gets the short end of the stick. Nashua is approaching 60,000 people. We have just one senator from Nashua now under this arrangement with an outside chance of electing someone in District 14. Now they are adding Auburn which is 20 to 25 miles away and I think Nashua is getting a worse job than

they had last June. There isn't much we can do about it because the minority party is outvoted. So I am against this Motion. I think they presented a good argument, but it is at the expense of Nashua. I represent Nashua and I don't like the gerrymandering of 25 miles into Auburn.

Sen. DOWNING: Would you be agreeable at this point to even strengthening Nashua's position and further amending the bill so that Nashua would be certain of two senators?

Sen. LEONARD: I would be for any amendment that would do that.

Sen. S. SMITH: I rise in oppostion to the pending Motion. Before making some general comments, I would like to make some specific comments in relationship to the amendment.

What the amendment does in effect is place three senate districts totally within the City of Manchester. By so doing, you have 3 relatively small senate districts. What it means is if you take the population of the state, subtract the population of the City of Manchester, divide by 21, which is the remaining number of senate seats, even on an average before you start to practically redistrict the state, you have Manchester with somewhere between 1,100 and 1,200 less people per district than any of the other senate districts. This is Point No. 1.

Point No. 2. Senator Leonard raised the question of Auburn. Auburn added to the two wards in Nashua, plus the towns of Hudson and Londonderry would make the largest senatorial district in the state. It would be 5% or more above the mean. That is not bad enough. What is happening is that this senate district composing Auburn, Londonderry and Hudson is one of the fastest growing areas of the State. So that you are compounding the question. Each of the senate districts, if in the City of Manchester totally, would be approximately 3½% below the mean. District 16, under the proposal which takes in a group of towns, would be plus about 3% and, as I indicated, Senate District 14 would be about 5% too large. But enough of the numbers game.

The Committee for almost a year now has been working on a plan of Senate redistricting. Many factors arise. I have heard every opinion under the sun from almost every senator.

We, as a Committee, have tried to weigh all factors. But, particularly, we have tried to weigh the factor of population. If you will look at the sheet which you have before you relative to the districts, we find only 6 districts between 3% and 4% out of variance. I think we are very fortunate because of the size of the towns to come this close to equality and the principle of one man-one vote. Particularly does it get difficult where you have groupings of larger towns and, as I have indicated before, a change of 300 people means about a 1% variance from the mean.

During the past year, I have had many thoughts concerning redistricting — some pleasant; some not so pleasant. I have thought of the role of the Senate. Today I have heard arguments relative to party, but even more particularly, I have heard arguments relative to the City of Manchester. What are we as senators? Are we representing small parochial interests? We have another body on the other side of the wall composed of 400 members with very small districts. Every member of that House is intimately familiar with his constituency. Within the House, under the new redistricting plan, there are approximately 48 members from the City of Manchester. This means there could be, and probably are, approximately 2 members of the House from the City of Manchester on every House committee. I think that the City of Manchester gets very adequate representation as an entity within this State.

We are talking about 3 senatorial districts solely within the City of Manchester. It is my contention that we are not senators from such and such a town or such and such a city, but that we represent slightly broader interests. We are the only body in the State which must rise above the local parochial interests to represent broader interests and concerns. I do not consider Senator Ferdinando *the* senator from Manchester any more than Senator Morrissette, Senator McCarthy or Senator Provost. Each one of them represents a district. I would also contend that Senator Morrissette, coming from Manchester, and I have much more in common in our interest in the State than we do differences. Senator Morrissette is concerned about taxes. Senator Morrissette is concerned about schools; about crime. I am concerned about these in my senatorial district. Senator Morrissette has a river running through Manchester. That same river runs through my district. I think we do have differences. I think a

breadth of population may be an advantage to the Senate and give us a wider view than the local interest as concerned in the House.

I hope that the Senate will vote to defeat the amendment which gives us a greater variance than the original bill proposed.

Sen. NIXON: I think in the speeches both pro and con, there is recognition that in all such decisions there are factors personal, factors political and factors emotional. I think there is no question, however, that this Committee, under the Chairmanship of the able Senator Smith has done a workmanlike job which is as far as those various considerations would permit. For that reason and with due deference to the suggestion that in any proposal of this nature there could be legitimate differences and legitimate gripes raised, I would like to advise the Senate today that, as the former Assistant Majority Leader, I do not feel any motion to lay on the table is in order at this time.

ROLL CALL

Requested by Sen. McCarthy. Seconded by Sen. Marcotte.

Yeas: Sens. Spanos, Morrissette, McCarthy, Marcotte, Downing and Foley.

Nays: Sens. Lamontagne, Poulsen, S. Smith, Snell, Townsend, Gardner, Jacobson, Nixon, English, Porter, Leonard, Ferdinando, R. Smith, Provost, Brown, Koromilas and Tufts.

Result: Six senators having voted in the affirmative and Seventeen having voted in the negative, the amendment lost.

Report of Majority Adopted. Ordered to Third Reading.

SPECIAL ORDER OF BUSINESS FOR 1:01

SB 13

permitting minors to receive certain medical treatment without parental consent. Ought to pass. Sen. Koromilas for Public Health.

Sen. JACOBSON: After consultation with Senator Koromilas, I find there is an emergency act that covers certain accidents and I am satisfied that any emergency situation at a ski

area could be taken care of in terms of treatment under that present statute.

Sen. DOWNING: I rise in opposition to the bill. I understand the intent of the bill, but I think it goes a little too far. I have no objection to a minor being able to get treatment without the consent of the parent, but I feel the treatment, even after the fact, should be made known to the parent for the safety of the youngster above all else.

Report Adopted. Ordered to Third Reading.

Sen. Spanos moved that the Senate do now adjourn from the Early Session and that on third reading, all bills be read by title only and that when the Senate adjourns today, it be until Wednesday at 1 o'clock, and in honor of the First President of the United States, George Washington.

Adopted.

LATE SESSION

Third reading and final passage

SB 7, providing that associate justices of the superior court, justices of the district court, probate judges, or masters, in addition to judicial referees, may sit as chairmen of panels to hear professional malpractice claims.

SB 10, redistricting certain state senatorial districts.

SB 12, permitting the industrial development authority to exceed its bonding limit if found necessary by governor and council to protect the interest of the state in any project.

SB 13, permitting minors to receive certain medical treatment without parental consent.

Adopted.

RECONSIDERATION

Sen. S. Smith moved reconsideration of SB 10.

Motion lost.

Sen. Morrissette moved the Senate adjourn at 2:40 p.m.

Adopted.

Wednesday
23Feb72

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by Senate Chaplain, Rev. William L. Shafer.

ALMIGHTY GOD, send to our leaders and representatives in government such wisdom to direct and guide them as they respond to the needs of mankind. Watch over our Nation's President as he visits the People's Republic of China this week. Grant that truth may prevail through justice and honor and righteousness as he endeavors to build new bridges to peace and understanding. At home, watch over our State and Nation, endow us with unity of purpose in seeking the common good for all our citizens. Having been inspired and challenged to public service, as members of this Senate, let us go forward today in our efforts to respond to the needs of our Granite State and her citizens. May our actions testify to our concern and our deliberations prove our constitutional democracy. Amen.

Pledge of Allegiance was led by Sen. Townsend.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 25, to provide penalties for violation of the disclosure of information laws relating to horse and greyhound racing, and to amend the provisions relating to disclosure of information. (Nixon of Dist. 9 — To Judiciary)

HOUSE MESSAGED BILLS AND RESOLUTION

First, second reading and referral

HB 4, relative to public outdoor entertainment. (Recreation and Development)

HB 35, permitting the town of Durham to change from a calendar year to a fiscal year accounting period, and providing

for the dates and manner of collecting taxes in the transitional period. (Executive Departments, Municipal & County Governments)

HB 41, relative to voter registration by town and city clerks. (Executive Departments, Municipal & County Governments)

HB 45, authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved. (Public Works & Transportation)

HB 46, establishing a line item budget for the city of Manchester. (Executive Departments, Municipal & County Governments)

HB 55, exempting the real and personal property of the Nashua Historical Society from taxation and repealing the limitation on the amount of property said society may hold. (Ways & Means)

HB 57, relative to voter registration residency requirement. (Executive Departments, Municipal & County Governments)

HB 62, repealing statute on group marketing of motor vehicle insurance. (Banks & Insurance)

HJR 4, authorizing the register of deeds of Strafford County to deliver some of the old record books into the custody of the Woodman Institute for display purposes. (Executive Departments, Municipal & County Governments)

COMMITTEE REPORTS

SB 17

establishing an environmental protection department, and making an appropriation therefor. Ought to pass with amendment. Sen. Porter for Resources & Environmental Control.

AMENDMENT

Amend the bill by striking out paragraph 12-E:1, II, (a), (5), as inserted by section 1 and renumbering paragraphs (b), (7) and (8) to read (5), (6) and (7).

Amend section 1 of the bill by inserting after paragrapn 12-E:1, II, (b), the following new paragraph:

(c) Provided that nothing contained herein shall be construed to include within its definition any land area equipment or facilities used for the generation, transmission or distribution of electricity or communications which is subject to the provisions of RSA 162-F.

Amend section 1 of the bill by striking out paragraphs 12-E:10, II, III and IV and inserting in place thereof the following paragraphs:

II. For each structure described in RSA 12-E:1, II, (a), (4), five hundred dollars.

III. For construction or operations described in RSA 12-E:1, II, (a), (6), fifty dollars for each acre of land on which such construction or operations are carried on.

Amend paragraph II as inserted by section 4 of the bill by striking out in line four the number "II" and inserting in place thereof the number "I" so that the said paragraph as amended shall read as follows:

II. Each such permit, approval or license shall be obtained after the effective date of RSA 12-E:2, and, prior to the effective date of said section application for each such permit, approval or license has been made; provided that in the case of paragraph I above, the said development shall be exempt from this chapter only to the extent that on the effective date of RSA 12-E:2, the said development is described in the application and submission to the agencies with authority to issue such permits and such description is not substantially varied prior to the time such permit, approval or license is issued. No exclusion from the provisions of this chapter shall be granted unless the person intending to construct or operate such a development, within thirty days after the effective date of RSA 12-E:2 or thirty days after the date when all such permits, approvals or licenses shall have been issued, whichever is later, but before it begins such development, shall notify the department of its intent to claim said exclusion for the development on such form and accompanied by such documents as the department shall prescribe. The exemptions provided for in this paragraph shall lapse unless construction or operation of the development begins within one year from the date when all such permits, approvals or licenses were issued.

Amend section 5 of the bill by striking out the same and inserting in place thereof the following new sections:

5 Transfer of Functions. The powers, duties and functions heretofore exercised by the special board for the purpose of carrying out the provisions of the law conferring upon the water resources board authority to decide matters relative to resources of the state, including but not limited to excavating, dredging and filling waters of the state, pursuant to Laws 1969, 387:6, as amended by Laws 1971, 329, are hereby transferred to the department.

6 Repeal. Laws 1969, 387:6, as amended by Laws 1971, 329, establishing a special board, is hereby repealed.

7 Effective Date. Sections 1, 12, 13, 14, 15, 16 and 17 of RSA 12-E as inserted by section 1 of this act shall take effect July 1, 1972. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of RSA 12-E, as inserted by section 1 of this act, and sections 5 and 6 of this act, shall take effect when the department has adopted the rules and regulations provided for in RSA 12-E:15, II, following notice and public hearing. An order promulgated by the governor declaring that the department has adopted the prescribed rules and regulations shall be conclusive evidence of the said effective date. Sections 2, 3 and 4 of this act shall take effect July 1, 1972.

Sen. PORTER: SB 17 does carry an appropriation and will naturally go on to Senate Finance. The amendments which the Committee brought in consist of several different technical amendments regarding numbering passages and correcting printing errors. The two major amendments proposed by the Committee take care of the power plant siting portion of the bill. As you will recall, in the 1971 regular session, we passed SB 217 which effectively allowed for orderly power plant siting, transmission line siting throughout the State. That portion has been removed because it was already covered by the other statute. The final amendment which the Committee applied was to transfer the powers, duties and functions of the special board on dredge and fill. These have been transferred to the Environmental Protection Department which is hereby established.

This is a fairly extensive bill and most of you are probably very familiar with it. It essentially proposes land use regula-

tion in the State and reorganization of some of the State departments. It is looking toward the regulation of large scale land use and effecting a more efficient and prompt means of a developer being able to perform his job. It forces the State agencies which currently exist to work with one another. Some of the problems that the developers have been faced with are being shuttled from one portion of the State government to another and having to transfer all their energies in rounding up the permits to do one particular aspect of the job and, while they are doing that, another one might lapse. We are trying to solve that sort of a problem. It is spelled out in the bill how we eliminate these problems in the "one window" type of activity. I will propose a floor amendment subsequently which will further clarify the language, particularly in the area of the "one window" permit.

What is regulated? That has been one of the key questions which has faced the Environmental Council which studied this problem, the Governor's office, many of us in our Committees, and all of you, I am sure. I will try to isolate those developments which are mainly involved with the environmental impact. This takes a look at the scope of the project. It is going to take a look at drilling, mining and existing resources. We will be looking at the construction facilities of greater than 60,000 square feet. We will be concerned with and require a permit on any development above a certain altitude depending on the various counties in the State. There is a feature built in whereby, prior to his receiving final approval, a developer comes in with a conceptual plan and receives preliminary approval so that he can proceed with the financing and other aspects of development.

In essence, those are the general characteristics of the bill and the Committee has looked at it very hard. Subsequently, as I have mentioned, I will be proposing certain further amendments to clarify the language.

Amendment Adopted.

Sen. Porter moved Adoption of the following amendment.

AMENDMENT

Amend the bill by striking out the renumbered RSA 12-E:1, II, (a), (7) as inserted by section 1 of the bill.

Further amend the bill by inserting after RSA 12-E:1, II, (c) as inserted by section 1 of the bill by the following new paragraph:

(d) Notwithstanding the provisions of paragraphs (a) and (b), no development shall be deemed a development which may substantially affect environment if it is located wholly within a town or city which:

(1) Has duly adopted a zoning ordinance pursuant to the provisions of RSA chapter 31; and

(2) Has duly created and appointed a planning board pursuant to the provisions of RSA chapter 36; and

(3) Has duly delegated to a planning board the authority to promulgate subdivision regulations pursuant to RSA 36:19, and the planning board has duly adopted and promulgated subdivision regulations; and

(4) Has duly delegated to a planning board the authority to review site plans pursuant to RSA 36:19-a.

Further amend the bill by striking out RSA 12-E:1, V as inserted by section 1 of the bill and inserting in place thereof the following:

V. "Subdivision" shall mean subdivision as defined by RSA 36:1, VIII, as from time to time amended.

Further amend the bill by striking out RSA 12-E:1, VI as inserted by section 1 of the bill.

Further amend the bill by striking out the last sentence of RSA 12-E:3, V as inserted by section 1 of the bill and inserting in place thereof the following: (Approval of a development hereunder shall become void if construction or operation thereunder shall not be commenced within two years after such approval becomes final or until termination of any appeal permitted under this chapter, whichever is later. The running of said two years period shall be tolled during the pendency of any court proceeding other than the appeal permitted under this chapter.) so that said paragraph as amended shall read as follows:

V. Within forty-five calendar days after the department finally adjourns any hearing held under this section, it shall

make findings of fact and disapprove or grant either preliminary or final approval to the person proposing such development to construct or operate the same as proposed, such preliminary or final approval to be upon such terms and conditions as the department determines is required to protect and preserve the environment and the health, safety and general welfare of the public as related thereto. The findings and disapproval or approval shall be made and issued by the director after review of proposed findings and decision prepared by the hearing commission. If the person intending development submits only a section of a proposed development for approval, the department shall disapprove or grant approval only with respect to the section submitted, provided that such disapproval or approval shall take into account the scope of the entire proposed development. Approval of a development hereunder shall become void if construction or operation thereunder shall not be commenced within two years after such approval becames final or until termination of any appeal permitted under this chapter, whichever is later. The running of said two year period shall be tolled during the pendency of any court proceeding other than the appeal permitted under this chapter.

Further amend the bill by inserting in line one of RSA 12-E:3, VII, (b) as inserted by section 1 of the bill after the word "adequate" the word (internal) so that said paragraph as amended shall read as follows:

(b) The proposed development has adequate internal provision for loading, parking and movement of all types of traffic resulting from or connected with the development.

Further amend the bill by striking out in line four of RSA 12-E:3, VII, (c) as inserted by section 1 of the bill the words "scenic landmarks" so that said paragraph as amended shall read as follows:

(c) The proposed development has made adequate provision for fitting itself, without material adverse consequences, into the existing environment, and will not have a substantially injurious effect on existing uses (whether private or public), historic sites, natural resources or rare and irreplaceable natural areas, or property values, in the municipality or in adjoining municipalities; provided that if the use proposed is a permitted use in the area under an applicable municipal zoning ordinance,

the effect on property values within the entire municipal area covered by such zoning ordinance, shall be ignored.

Further amend the bill by striking out in line four of RSA 12-E:9 as inserted by section 1 of the bill the word "thousand" and inserting in place thereof the word (hundred) so that said section as amended shall read as follows:

12-E:9 Penalties. Any person who shall wilfully violate any provision of this chapter, or who shall fail, neglect or refuse to obey any order, rule or regulation of the department lawfully issued, shall, upon conviction by a court of competent jurisdiction, be punished by a fine of not more than one hundred dollars for each day of such violation, failure, neglect or refusal; provided that the fines provided for in this sentence shall not be imposed unless the department has notified such person in writing of such failure, neglect or refusal, and the person has continued to fail, neglect or refuse compliance. The wilful making of a false statement of a material nature in the permit application required by RSA 12-E:2 shall, upon conviction, subject the responsible person to a like fine for each such violation.

Further amend the bill by striking out RSA 12-E:15, IV as inserted by section 1 of the bill and inserting in place thereof the following:

IV. The department shall adopt, following consultation with other state agencies with jurisdiction in the premises, a standard permit application for all such agencies and a standard procedure for filing and referring such applications to such agencies, the purpose of such single application and standard procedure being to insure the orderly consideration of applications and the convenience of all interested parties. As of the effective date of RSA 12-E:2, the use of said standard application and standard procedure is mandatory for all other said state agencies.

Amend section 4 of the bill by striking out paragraph I and inserting in place thereof the following:

I. Each permit, approval or license required by said laws, ordinances or regulations, or any written preliminary or final approval by the water supply and pollution control commission (which approval shall not be interpreted to mean approval of the design of any on-site disposal system with respect to any in-

dividual lot), shall have been obtained with respect to the development before the effective date of RSA 12-E:2, or

Sen. PORTER: There is all one amendment but there are several different sections of the bill which are affected. On page 2, we struck out the bottom paragraph which is (7) — the flood plane — because no satisfactory delineation of flood plane currently exists. I say "we" but this is my amendment, not the Committee amendment.

On page 3, a new provision has been added which extends back to local home rule the control of projects within their own community. At the present time it appears if a development is located wholly within one community and they have a zoning ordinance subdivision regulation and a site plan review, the Environmental Protection Division review will duplicate these controls, which is unnecessary.

The third change is in 12-E:1, V the portion which is written in the bill as a new definition of subdivision. What we have done is come back to the subdivision definition as included in RSA 36:1. This conforms to the general meaning of a subdivision and will avoid any conflict.

In RSA 12-E:1, VI, we struck out the scenic landmark portion. Last session, you will recall, the scenic landmark bill failed to pass this body and, consequently, no good definition of scenic landmarks exists within the State. Therefore, there was a conflict or irregularity in that portion.

Again, in 12-E:3, VII (c), we struck out the phrase "scenic landmark."

In 12-E:3, VII, we added the word "internal" so that the section proposed would read: "The proposed development has adequate internal provision for loading, parking and movement of all types of traffic resulting from or connected with the development." The concern here was with anyone doing or performing a development that they would be subject to non-approval of a permit simply because conditions outside their control would not allow them to act. In other words, if local highways were not adequate, they would not necessarily get their permit. What we are requiring is that traffic within a development be proper.

In 12-E:3, V, we extended the time period whereby a de-

veloper may initiate construction after he receives his permit. The present bill allows for one year only in which to initiate construction. We have extended this to a two year time so that he will have adequate time to assume the financing and lay out all the engineering, etc. that he needs to do.

12-E:9 is the penalty. The penalty in SB 17 calls for $1,000 a day. It was felt by several different people, and I agree, that the thousand dollars was a little bit exorbitant and we have changed it to $100 a day.

Section 12-E:15, IV clarifies the language and the original intention of the Department giving it final authority to establish a single application in a uniform filing procedure. This has been a traditional problem of many persons attempting to initiate action on a construction project or a development and, hopefully, the language here clarifies the situation so that we will achieve the "one window" permit system.

In Section 4 of the bill which covers the grandfather clause, the language is simply changed to clarify. The intent was there before but the language is included in this Section 4 to clarify it so that those people who have existing permits can go ahead and do their job. We have just attempted here to allow orderly growth of the Department with existing permits.

Those are all the amendments.

Sen. MORRISSETTE: We have a zoning board made up of 8 or 10 people, all experts in the field of planning and subdivision. Do I understand that under one of your amendments they will retain their existing control in a community like Manchester or will we have to go through the approval of the State?

Sen. PORTER: If you will look at the amendment, it states that no development shall be deemed a development which may substantially affect environment if it has duly adopted a zoning ordinance, has a planning board and has duly delegated this planning board the authority to promulgate subdivision regulations. In other words, if they have met all these criteria, they would be exempted and they would still control the project.

Sen. MORRISSETTE: If you wanted to put up some apartments, you will go to your local planning board if they are qualified?

Sen. PORTER: Yes.

Sen. MORRISSETTE: You would not have to go to the State?

Sen. PORTER: You would still have to get your permits for water supply and pollution control, etc., but you would do it through the Environmental Protection Department. It would be our hope that this would be a much easier and faster process.

Sen. MORRISSETTE: In other words, there is a very slight change over what we have now insofar as a competent existing board.

Sen. PORTER: This is correct.

Sen. POULSEN: In the case of a very small town that does have a planning board with subdivision regulations and a very large development coming into the town totally within that town, does the town lose control?

Sen. PORTER: It is my view that the smaller towns without professional back up help and planning and all these sorts of things could expect and would get from the Environmental Protection Division professional help for orderly growth of a large scale development in that area.

Sen. POULSEN: How about your regional planning boards that have been set up in the southern part of the State? Supposing there is a town that does have subdivision control and planning board and is in the area of a regional planning board? Who takes precedence in the case of a large developer?

Sen. PORTER: The definition of the project and the exclusion here in my amendment is "wholly within the town or city." If a developer covered just one city, he would still, I assume, come under local cognizance. But, also, they could still ask for help from the Environmental Protection Department.

Sen. DOWNING: Sen. Porter, I am sorry if my question is a bit repetitious because I just came from a Judiciary Committee meeting. The funding of SB 17, has that been discussed?

Sen. PORTER: The funding has not been discussed because the bill at this point has to go to Senate Finance and would receive a thorough check-out in the Senate Finance Committee, which it deserves.

Sen. DOWNING: How much money would be required to fund SB 17?

Sen. PORTER: The appropriation called for on page 18 of the bill is $200,660.

Sen. DOWNING: As sponsor of this bill, Senator, how do you rate this priority-wise as against the — a wage increase for state employees?

Sen. PORTER: I don't happen to have the opportunity to thoroughly weigh all the pros and cons of all the different priorities and I don't think an establishment between those two is particularly pertinent to the bill.

Sen. DOWNING: Senator, you don't feel in proposing legislation that would cost $200,000 that it is pertinent to weigh priorities as to where the money is better spent in that area on a wage increase for state employees, funding school building aid or the reimbursement to cities and towns?

Sen. PORTER: Would you rephrase the question, Senator? I don't know as I totally understand it.

Sen. DOWNING: I'll try. Do you feel that it is not pertinent as sponsor of a bill that calls for the appropriation of over $200,000 to weigh on a scale of priority whether the money could be better spent for that particular bill, or for wage increases for state employees, or for school building aid, or for reimbursement to the cities and towns which we reneged on in the last regular session?

Sen. PORTER: Well, certainly it is important, Senator, to weigh all the priorities which are the needs of the State — whether it be state employee pay raises or environmental issues. The $200,000 which is asked for in this appropriation would be examined closely by the Senate Finance Committee, of which I think you are a member, and the priorities will be viewed based on *all* the inputs, *all* the various requirements of the various bills which are coming before you. I am not aware of all the appropriation bills which may be coming in and would not be able to judge exactly whether this should have a higher or a lower priority.

Sen. DOWNING: Senator, you recognize that priorities should be established. What is your priority relative to this bill

relative to the three specific areas I have mentioned? Do you feel that this should have priority over those three areas?

Sen. PORTER: I have tried to assess what the priorities are in State spending continuously. I think I have reevaluated where I would like to see money spent, applied where it is available, many many different times during the week. In my role as Chairman of the Senate Resources and Environmental Control Committee, I establish environmental priorities and I felt that the highest priority was SB 1. And I had hoped that we would fund that program. I apply a very high priority to this. Whether or not this is a higher priority to pay raises for state employees or not, I think it is a ballgame where you can understand all the different aspects of it. If I had to weigh the two, I would look into much greater detail of all the other aspects, all the other various bills that are coming before us. Certainly the pay raise would deserve at least a high order of priority in my view.

Sen. DOWNING: Mr. President, I wonder if Sen. Roger Smith would yield to a question.

CHAIR: He has not spoken and it has not come out of his Committee. The only member of the Senate who has spoken on the bill is Sen. Porter.

Sen. DOWNING: If I could inquire, Senator, I think it is — Mr. President — it becomes very pertinent to me whether the Finance Committee has in fact established priorities yet as to whether I would vote to refer this to the Finance Committee.

CHAIR: That almost sounds like a Parliamentary Inquiry and the Chair would state that this bill would have to go to the Committee on Finance. At this point, they have not even seen the bill to the best of my knowledge.

PARLIAMENTARY INQUIRY

Sen. DOWNING: How, Mr. President, may I best determine as to whether the Finance Committee has in fact established any priorities to date or not? The reason for the inquiry being that it would determine whether I would vote to send it to that committee or not.

CHAIR: The bill under discussion, SB 17, has been referred to the Committee on Resources & Environmental Con-

trol. We have adopted the Committee amendment. We are now considering the amendment as offered by Sen. Porter. This bill has not, at this point in time, been referred to the Committee on Finance.

Sen. KOROMILAS: This I take it is some kind of an attempt to integrate the various areas of environment control. Is that correct?

Sen. PORTER: Not essentially; not within the context of the bill as it stands today.

Sen. KOROMILAS: Is this bill in effect a new creation?

Sen. PORTER: It is indeed.

Sen. KOROMILAS: Did the Committee on Executive Departments look into this particular bill because I see there is a great deal of change with respect to subdivisions and things of that sort in the amendment plus the bill itself.

Sen. PORTER: There are no changes within the bill relative to subdivisions or zoning. It is just referencing previously established statutes with reference to subdivisions, zoning and planning boards. To my knowledge, the Senator who serves as Chairman of that Committee always reviews in depth every bill and I am sure he has this one.

Sen. JACOBSON: As I understand it, the amendment seems to be dealing with those areas in the State which are presently properly zoned with subdivision regulations. These are the areas that are coming under the control of the Attorney General's office to that degree. This reminds me of HB 1007 which passed this body last June and then quietly came back again and disappeared into history at a later date. That bill was intended to provide emergency zoning for selectmen in towns not covered. This apparently is an effort to provide environmental protection in those towns not covered by adequate zoning and that is my interpretation.

Sen. KOROMILAS: Sen. Porter, I would like to ask a general question with respect to this bill and how it relates to a bill passed in the 1969 Legislature. The bill passed in 1969 had to do with disclosure. If a person came into the State and wanted to develop, he would have to disclose certain items to the Attorney General. I notice here in the first part of your bill on page 1, it talks about development and tries to define it. It talks about

any commercial industrial development including subdivision which occupies or is intended to occupy land areas in excess of 20 acres. I take it this bill would not affect anything less than 20 acres.

Sen. PORTER: Except in towns that do not have duly constituted planning boards, which is in the next part, of less than 10 acres.

Sen. KOROMILAS: As I understand it, the bill would set up a new hierarchy or a new bureau. Is that correct?

Sen. PORTER: The bill establishes land use regulations and provides for one window permit systems regulating developments throughout the State.

Sen. KOROMILAS: Does the bill provide for a director and a deputy director and other people in the amount of $200,000?

Sen. PORTER: On page 18 of the bill, it outlines the director's and deputy director's roles.

PARLIAMENTARY INQUIRY

Sen. DOWNING: A previous ruling, Mr. President. Was the intention of the Chair to forbid the Chairman of the Finance Committee, Sen. Roger Smith, from responding to my inquiry even though he might be willing?

CHAIR: In answer to your Parliamentary Inquiry, that decision is up to the individual senator whether or not he wants to yield to questions. The Chair simply stated that the bill had not, at this point in time, been referred to the Committee on Finance.

Sen. DOWNING: Mr. President, could we give Sen. Smith the opportunity of yielding or not yielding to my inquiry?

Sen. R. SMITH: Does the Senator wish to inquire?

CHAIR: I would interpret it that way.

Sen. DOWNING: Sen. Smith, as a result of the discussions in this chamber last week relative to establishing priorities and your recognizing that such a thing probably should be done but had not been done to date by the Finance Committee, my

question is has the Finance Committee since met and established priorities?

Sen. R. SMITH: No. The Finance Committee will meet though and establish priorities when we receive the bills.

Sen. DOWNING: I rise in opposition to this bill and the amendment, not so much for the content of the bill and the amendment as much as the cost of it. I think it is vitally important that priorities be established before we go passing legislation even on to the Finance Committee. If the Finance Committee had established priorities and we were made aware of it, I might take a different position on this particular piece of legislation. Inasmuch as it has not and it is waiting on the House, which I don't feel is necessary — I feel we should act rather than react and consider the position of the House when and if it ever reaches us. For this reason, financially alone, I oppose it at this time.

Sen. KOROMILAS: I rise in opposition to the bill and amendment. This bill would cause the State to spend $200,000 plus. It would seem to me that the proper way to have done it would have been through HB 1007 which passed this body last summer. It would have prevented this type of thing from happening. The bill came back on a motion from the Governor's office. It would not have cost the taxpayer a dime. It seemed fit the last regular session to recall it and put it into oblivion. Now we have this bill and they want $200,000 to do something which could have been done by HB 1007. I can't believe we are in a position now to fund a program — a new program — when everything else is crying out for money. Furthermore, it would seem to me that with respect to this bill it sets up another department, allows for consultants, allows for travel of all kinds. This is not really an antipollution bill in its true sense of the term. It is more or less a matter of subdividing or taking care of subdivisions. I know there is pollution that comes from this but it seems to me that this is not a proper bill.

Sen. NIXON: I rise in support of SB 17 and the amendment. I think there is no question that priorities are of prime concern to all of us at this time. May I simply suggest that it is about time that environment was given the priority it properly deserves before it is too late. We are working under the limitations of a very short Special Session, but that is no reason why

we should kill the bill instead of at least keeping it alive so that it can get the consideration which time calls for it to get. I hope that the Senate will go along with the Committee Chairman and the Committe in support of this bill in keeping it alive so that it can get that ultimate consideration which it deserves, along with other bills calling for priority.

Sen. McCARTHY: I would like to speak against the bill and the amendment. I think Sen. Downing and Sen. Koromilas have expressed very real concern and very legitimate questions which I don't think have been answered satisfactorily. I think the question of priorities is probably the most important right now and I am against the bill and the amendment.

Sen. SNELL: I rise in support of SB 17. I certainly have mixed emotions about financing this bill. But, if this is the case concerning every piece of legislation that comes before us that has funding, then I would suggest to my colleagues it is a sad day today, to think that many sound bills that we know are in both branches will be defeated because individuals in both branches feel that additional revenue is not a necessity. If you defeat a bill without passing it to the proper committee to weigh the merits and demerits so far as financing and kill it here on this floor — a bill that has strong appeal to a vast majority of the people of this state — then I feel we are doing an injustice to SB 17. I hope that my colleagues and the other members of the Committee of which I happen to be a member will support SB 17 and send it to the Finance Committee.

Sen. KOROMILAS: Sen. Snell, how many people from the Environmental Commission appeared before your Committee favorable to this bill?

Sen. SNELL: There were many individuals who appeared before our Committee in favor of this piece of legislation. In fact, no one, to my knowledge, appeared when I was in that hearing room — because I wasn't there all of the time — who testified against this piece of legislation. Many department heads were in favor.

Sen. KOROMILAS: Aside from the department heads, who else appeared in favor?

Sen. SNELL: A number of interested citizens who came from many miles to speak in favor of this bill.

Sen. DOWNING: Inasmuch as your remarks were somewhat philosophical, I would like to inquire as to your particular philosophy relative to legislation. Do you feel that the money should be raised and then spent or do you feel it should be spent and then raised?

Sen. SNELL: Sen. Downing, if you recall the distinguished senator from New London pointed out this fact during the last session of the Legislature. He stated it's a shame that our rules could not be changed so that all revenue bills would be acted upon first so that we would know the type of funding that is so necessary to put bills into action. I am sorry that both our branch and the House have not changed rules such as these so that we would know the exact dollar that we would have to spend. But, if you come in with a revenue bill, if you are supporting a revenue bill through your House members that are in your district, then I can safely say that you have some judgment here as to questioning a bill on its merits as far as financing is concerned.

Sen. DOWNING: I would hope you would answer this one, Senator. Are you aware that there is a reported surplus — projected surplus — of funds now available for commitment regardless of any new funding?

Sen. SNELL: I believe there is a sum of money close to $6 million that will be available at the completion of this session.

Sen. DOWNING: Senator, don't you feel that, or have you set your own personal priorities relative to this reported surplus, relative to, for example, this environmental bill we are talking about today, or the state salary increase for state employees, or the building aid which we reneged for the school districts, or the reimbursement to the cities and towns which we reneged on in the last session because the money wasn't available which now appears some is going to be available?

Sen. SNELL: I feel, Sen. Downing, I have my own priorities in my own mind, but I feel that the Senate Finance Committee and the House Appropriations Committee will work out the priorities as far as spending any funds that we have made available during this session.

Sen. DOWNING: You have heard that the Senate Finance Committee has not to date set priorities. Would you care to set forth your own at this time?

Sen. MORRISSETTE: I favor this bill. As a member of the Committee that judged this bill, Sen. Snell, don't you feel that the provisions of this bill which are desperately needed, or seem to be needed in your small towns, could be administered by the existing agencies that are all working independently of each other? Don't you feel they could handle all the provisions of this bill without the creation of new jobs or do you feel that these new positions are absolutely necessary for the implementation of this law? Couldn't DRED or Water Pollution take care of this?

Sen. SNELL: It is certainly the feeling of the majority of the Committee members and myself that it is in the best interest of the State of New Hampshire. Hopefully these agencies will work much closer and, if you are concerned about the funding of new jobs, I feel your question is certainly appropriate, but I feel it is a necessity that these jobs are created.

Sen. FERDINANDO: I reluctantly support this bill and I do so only because the Senate Finance Committee will have the opportunity to digest and analyze just where we are going so far as revenue is concerned. I hope by the time this bill comes up again that we all have a better indication of where our priorities are.

Sen. SPANOS: I think we are missing the point here when we talk about priorities. Those who are arguing for us to take priorities into account are actually eliminating the possibility of considering environmental protection as a priority itself. If we do not pass this measure along to the Finance Committee for its consideration and then your eventual judgment, you have, in fact, stated to all of us that you do not consider it to be a priority. I think we should have the opportunity to have this bill intelligently voted on, and I hope passed into the House so that it can be considered along with the other measures that will be handed down to us from the Appropriations Committee. That is what we are doing here — we are precluding the possibility of actually considering this item as a priority.

Sen. LAMONTAGNE moved the previous question.
Adopted.
Amendment adopted. Referred to Finance Committee.

SB 3

establishing an interim legislative committee to investigate

and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution. Ought to pass. Sen. English for Education.

Sen. ENGLISH: This bill, as the title indicates, establishes an interim legislative committee to study the methods of financing public schools. The special need for this is brought about by the number of suits pending in the courts at the present time. This is a very important subject and I think this interim committee would serve the Legislature well by reporting its findings to the next session of the Legislature.

Adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Sen. SPANOS moved the Rules of the Senate be so far suspended as to allow the introduction of Committee Reports that may not have had proper notice of hearing or have not been advertised previously in the Journal on: SB 6, SB 16, SB 17, SB 19, SB 23, SB 24 and SB 25.

Adopted.

FURTHER COMMITTEE REPORTS

SB 11

relative to appointment of student ballot inspector. Ought to pass with amendment. Sen. Marcotte for Executive Departments.

AMENDMENT

Amend section 1 59:36-a of the bill by striking out same and inserting in place thereof the following:

59:36-a Student Inspectors. Notwithstanding the qualification requirements of RSA 59-31 high school seniors who are residents of the respective town or ward, may be appointed ballot inspectors as hereafter provided.

Sen. MARCOTTE: This bill would allow high school seniors to participate in the coming election as ballot inspectors. There was no oppostion to this bill. It is permissive legislation and the only thing the amendment does is change the wording from "senior high school" to "high school seniors."

Amendment Adopted. Ordered to third reading.

SB 16

relative to the administration of the revenue laws. Ought to pass with amendment. Sen. Jacobson for Executive Departments.

AMENDMENT

Amend RSA 71-B:1 as inserted by section 2 of the bill by striking out the same and inserting in place thereof the following:

71-B:1 Board Established. There is hereby established a board of taxation, hereinafter referred to as the board, which shall be composed of three members who shall be learned and experienced in questions of taxation. Only one of the said members shall be an attorney admitted to practice in New Hampshire.

Amend RSA 71-B:11 as inserted by section 2 of the bill by striking out the same and inserting in place thereof the following:

71-B:11 Jurisdiction. In addition to where specifically provided by law, wherever the superior courts have jurisdiction to determine questions relating to taxation de novo, the taxpayer may elect to bring such questions before the board which shall determine the issue de novo.

Further amend the bill by striking out section 18 and inserting in place thereof the following:

18 County Audits. Amend RSA 25:1, 25:2 and 25:3 by striking therefrom the words "superior court, acting as a body," "court", "superior court" and "court, acting as a body," as the case may be and substituting in place thereof the words (commissioner of revenue administration) and making any necessary grammatical corrections to personal pronouns referring thereto, so that the sections as amended shall refer to the commissioner of revenue administration.

19 Effective Date. This act shall take effect July 1, 1972.

Sen. JACOBSON: What this bill does essentially is to divide the judicial and administrative functions with respect to the questions of revenue and/or taxation. As you know, at the present time the Tax Commision handles cases of appeals with respect to tax abatement procedures. It also administers the tax

divisions of the State with regard to collecting revenue. This bill establishes a separate Board of Taxation which acts in a quasi-judicial function — that is, anyone can come before the Board of Taxation if they have some complaint with regard to the way in which their property has been assessed and can receive a judgment. The original bill stated that an individual seeking such tax abatement would have a choice. They could either go the route of Superior Court or they could go to the Board of Taxation and, if they chose the Board of Taxation, they would have no appeal *de novo* to the Superior Court. They would have, of course, the appeal to the Supreme Court on facts of law. The Committee, however, felt this was proscribing the citizen's right so that the opportunity to move from the Board of Taxation to the Superior Court still remains.

Another part of the amendment establishes very clearly that one member of the New Hampshire Bar shall be a member of the Board of Taxation and that the other members are to be from other areas, particularly from the area of those who have experience with questions of taxation.

The third part of the amendment deals with a procedure that now exists in which the Superior Court appoints auditors. The Superior Court Justices do not want this function with regard to auditors so it has been removed by the amendment to the Commissioner of Revenue Administration.

What this essentially does is establish a new department in the State under the head of the Commissioner of Revenue Administration and also establishes a separate Board of Taxation.

PARLIAMENTARY INQUIRY

Sen. KOROMILAS: I note that the subject matter of SB 16 and HB 600, while not identical, in effect cover the same problem and it is my understanding that HB 600 was indefinitely postponed. I would like to raise the question of whether this is proper for consideration at this time.

CHAIR: HB 600 was never considered by the Senate. Further, SJR 35 of the 1971 session established a committee to study the restructuring of the Tax Commission and SB 16 is the result of their labors. Therefore, the ruling is that it is proper to discuss SB 16 in this chamber at this time.

PARLIAMENTARY INQUIRY

Sen. KOROMILAS: You say that SJR 35 established a committee. Did it touch upon a Commissioner of Revenue?

CHAIR: SJR 35 established a commission to study the restructuring of the Tax Commission. It became Chapter 38 of the Laws of 1971.

Sen. KOROMILAS: I rise in opposition to the amendment and SB 16. I have looked over SB 16. It talks about the establishment of a position of Commissioner of Revenue. This Commissioner of Revenue would be above and beyond the other heads of the various tax bodies in our state. There is no question in my mind with respect to the Commissioner of Revenue — it is strictly an administrative position that pays somewhere between $20,000 and $25,000. If anyone outside of the Committee has looked at this particular bill, you will find repealer upon repealer and change upon change — pages of repeals or changes in particular laws. I am familiar with this particular bill. It sets up a Board of Taxation. It changes the whole fundamental concept with respect to the Tax Commission as we now know it. It sets up a Commissioner of Revenue who will be in charge of all the collecting of all our revenue including business profits tax, inheritance tax, income and dividend tax. In other words, what we are establishing here is a Commissioner of Taxation or a Commissioner of Revenue and he is going to be the big man in the revenue area. We will give him a nice salary and we will also give him all kinds of people he may decide he needs. We are going to give him a Deputy Director. We are going to set up another situation whereby we are setting up a new department —a new bureau — and this bureau will go above and beyond all our revenue collecting people at the present time. With respect to the Board of Taxation, we will give them some kind of quasi-judicial powers. We will do away with our system of Tax Commissioners. To me, in the present climate, to pass a bill which would set up a nice Director of Revenue and to completely change the powers of the Tax Commission and set up a Board of Taxation at the present time when not one of us knows how it will affect our cities and towns with respect to evaluation and assessment would be going outside the pale of comprehension. This bill should be sent back to the study committee that brought it in.

Sen. S. SMITH: I rise in support of the Committee Re-

port. I would like to state that a bill or bills dealing with the restructuring of the Tax Commission have been seen in the Legislature for a number of years. The reason for this is because there is a belief that there is a need for reform in the revenue raising area of our State. During the last Session, I was asked to sponsor a piece of legislation establishing a committee to study the restructuring of the Tax Commission, which I did. It passed both houses of the Legislature and this bill is, in effect, the product of that committee. I would like to mention some of the people who were on this study committee. There were two members of the Senate — Senator Townsend and myself. Three members of the House — Representaive Clark who is Chairman of the Committee on Executive Departments; Rep. Roberts and Rep. Milne. In addition to these House and Senate members, there was Mr. George West, representing the New Hampshire State Tax Collectors Association; David Nutt, representing the Tax Assessors Association; and William Bittenbender, representing the Municipal Association. We had a number of meetings and hearings in which the Tax Commission expressed their views on this piece of legislation. At the last meeting, the Tax Commission indicated that they had no objection to this bill.

There are similarities between this bill and a bill which was studied by the House — HB 600. However, many, many changes have been made so that the similarities are rather difficult at times to find.

The Senator from the 21st District attempted to indicate that we were creating some monster here of which we should have great fear. One comment was that we have had a Deputy Director. There is no Deputy Director in this bill. What this bill does basically is two things.

It aids in the efficiency of the administration of our revenue raising bodies. It places administrative functions under the administrative branch of the State. It gives the power of Governor and Council to the appointment of a Commissioner of the Department of Revenue Administration. This is not unlike any other commissioner such as the Commissioner of the Department of Public Works, Commisioner of Health & Welfare, Commissioner of Education. He is directly responsible to the executive branch. His functions here are administrative.

Second, this takes the present Tax Commission — those

members of the Tax Commission — and transfers them to a board entitled the Board of Taxation. This Board will continue with the same functions as it presently has as a Commission in its semi-judicial nature. Those functions which are administrative will stay with the Department of Revenue Administration. It also, because of the conglomeration over the years of various tax law changes, sets up a uniform system of tax appeal. The members of the Tax Appeals Board are appointed not by the Governor and Council, but they continue to be appointed by the Supreme Court. The Tax Commission was established early in this century. Its prime function was to attempt to make order out of chaos in the area of municipal taxation. As the years went by, various state taxes came into effect — room and meals, tobacco tax, the latest being the business profits tax. With these functions assigned to the Tax Commission, it lost its original intent and there became many administrative functions involved in the Tax Commission. We are trying to bring order back to this body.

I think that the Committee has spent a great deal of time in studying this in the interim. We have discussed this matter with many people. It was a fairly technical type of bill to draft and I think that the Senate Committee on Executive Departments also gave this bill a fair hearing.

I hope that the Senate will adopt and pass this bill.

Sen. DOWNING: What happens to the Tax Commissioners as they exist now?

Sen. S. SMITH: The existing Tax Commissioners by this bill are transferred *in toto* to this new creation — the Board of Tax Appeals. They are given many of the functions of a judicial nature, which they had as Tax Commissions, but not an administrative nature.

Sen. DOWNING: What would be the procedure if this bill is adopted if somebody did not like their assessment as assessed by the Board of Taxation? To whom would they appeal?

Sen. S. SMITH: They could appeal either to the Tax Appeals Board, or to the Superior Court. They would not appeal to the department.

Sen. DOWNING: The Tax Appeals Board — would they be in any way under the influence of the Commissioner of Revenue?

Sen. S. SMITH: No. They would be appointed by the Supreme Court as a separate entity, whereas the Governor and Council will appoint the Commissioner of Revenue Administration. They will be completely divorced with the adoption of this bill.

Sen. DOWNING: Don't you think that the passage of this bill would bring a measure of influence in the Executive Department into the area of property appraisal that does not exist now?

Sen. S. SMITH: No, I do not. I think that this would be a purely administrative function. If any such thing should occur, there would be recourse to appeal. I think the major problem here is that under existing law we are continually relying more and more on some State revenue measures which I have mentioned — cigarette tax, room and meals tax, business profits tax. By statute, the Legislature requires that the administration of these laws be placed within the Tax Commission. The Executive Department, in effect, has a responsibility to administer these revenues, but under the existing system, the administration — and what I mean by the administration is a triangle with the Governor and Council at the top, working down through your departments — has very little authority over the existing Tax Commission.

Sen. DOWNING: I have a little difficulty assessing the total appropriation in this bill. Would you tell me what it requires?

Sen. S. SMITH: If this bill passes, and again we are dealing with the problems of priorities, a supplementary appropriation will have to be placed into the budget bill in the amount of approximately $60,000 to implement this. We have had much debate on priorities. It is my view that the priorities will be dealt with fully by the committees of the House and the Senate to determine whether or not this bill should become a law.

Sen. KOROMILAS: I want to direct your attention to page 7 of SB 16 — 71-A:16. Are you familiar with a Director who is now in charge of the Municipal Accounting Division?

Sen. S. SMITH: There would be a Director in this one area, but there is no Deputy Director of the Department.

Sen. KOROMILAS: Would he be a Deputy to the Com-

missioner of Taxation in this particular Municipal Accounting Field?

Sen. S. SMITH: He would be not unlike a division head in charge of this area.

Sen. KOROMILAS: Is he denominated or called a Director under the bill?

Sen. S. SMITH: He is called a Director of the Division of Municipal Accounting.

Sen. KOROMILAS: Who chooses the Director of Municipal Accounting? Who appoints him?

Sen. S. SMITH: The Commissioner of Revenue.

Sen. TOWNSEND: I rise in support of the bill. There are two or three points I would like to make.

Reference has been made to HB 600 which we did not see here but we did refer to it in our studies in the committee during the hearings. One of the things that disturbed those who saw HB 600, as it was originally, was the provision for the appointment of the Board or the present Tax Commissioners which at the present time are made by the Court. HB 600 would have changed that and appointments would have been made by the Governor and Council. This, we have eliminated and those appointments will remain a duty of the Court.

Reference from the floor has been made also to the tremendous number of references to the RSA. This was another weak point in HB 600. They had failed to make all references to the laws as they now exist where they refer to the Tax Commission. We had available to us the laws on computers so that we were able to research all of the references in the statutes at the present time and now you will find these referred to on pages 16, 17 and 18 of the bill. These are very minor. They merely change the reference from "State Tax Commission" where it is used that way to the "Commissioner" in the various places where it is required. Those three pages are not anything very readable, but are required in order to do the job and have it done properly.

The last point I would like to make is that the Tax Commissioners — the Secretary, Commissioner Chandler; Commissioner Conway and Commissioner Maynard — worked with

us. Most of the meetings we had, they were all three there and at all of the meetings, someone represented the Commission. They had many recommendations to make, changes that they thought would improve the bill and I think, without qualification, I can say that we incorporated all of their recommendations in an attempt to strengthen the bill and also in an attempt to come somewhere near what those with experience felt needed to be done.

Sen. KOROMILAS: What position did the Commissioners take with respect to this bill?

Sen. TOWNSEND: They informed us that, if we made the changes which they recommended, they could go with the bill.

Sen. KOROMILAS: Are you aware of whether they actually came before the Committee to testify for the bill?

Sen. TOWNSEND: I was not at the hearing and I could not actually say.

Sen. MORRISSETTE: My main interest is that we keep creating new positions. Do you feel that within the existing people that you have that have worked for years that one of them could be the leader and that you could work with the existing number of people to avoid this continuous increase of new jobs? Have you studied it from the point of view of using existing people?

Sen. TOWNSEND: I think that this was a part of the whole consideration. But, we must remember that the duties that have been thrust upon the Tax Commission have increased and they have also broadened in scope down through the years to the point where we just have to accept the fact that, if we are going to have the job done and done properly, we are going to have to have the staff to do it. It also means we will have to have qualified people to do it. I don't think this bill in itself creates the objectionable number of new positions that one might think.

Sen. MORRISETTE: People that are there now, are they not expert in the field of taxation? Why do we get new additional experts who probably are not as knowledgeable about state affairs as the people there now?

Sen. TOWNSEND: I would not intimate in any way that

the present staff is not knowledgeable or qualified. That is not my intent. We do have the embarrassing postion of having the Secretary who is retiring and he has been there for years and, quite frankly, if I may say so, he has run it and done a good job. But, at the present time, with him leaving, it leaves quite a void there. I think this is perhaps one of the weakneses in the Department — the possibility of one man running the whole show to the point where when you lose him, he knows how it is being done but not everyone does. That is one of the problems we have now.

Amendment Adopted. Referred to Finance Committee.

RECESS

AFTER RECESS

FURTHER COMMITTEE REPORTS

SB 6

establishing a youth corrections act. Refer to Judicial Council. Sen. Nixon for Judiciary.

Sen. NIXON: SB 6, sponsored by Sen. Leonard, is to establish a youth corrections act in New Hampshire. It was sponsored by him at the request of U. S. Attorney David A. Brock and is modeled after the Federal Youth Corrections Act. Its purpose is to give the sentencing judge in youthful offender cases some alternative dispositions as opposed to institutional imprisonment; the alternatives including institutional care. The Committee felt there was merit to the bill, but it was quite complicated and, of course, is involved in the problems that exist in other agencies in this State of lack of adequate facilities, staffing, personnel, etc. But, nonetheless, the idea was of sufficient merit to recommend to the Senate that the bill be referred to the Judicial Council.

Adopted. Referred to Judicial Council.

SB 5

relative to regional planning. Ought to pass with amendment. Sen. Poulsen for Executive Departments.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act

relating to the Lafayette Regional and Lisbon Regional School Districts.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Cooperative. The Lafayette Regional and Lisbon Regional School Districts are hereby authorized and empowered to form a new cooperative school district with one or more other school districts pursuant to the provisions of RSA 195:18 and they may continue to function as single pre-existing school districts or dissolve themselves and participate as six separate pre-existing school districts upon the formation of such new cooperative school district. The articles executed for the purpose of forming such new cooperative school district shall specifically provide whether the Lafayette Regional and Lisbon Regional School Districts shall participate in the new cooperative school district as single districts or resume the identity of six separate school districts as existing prior to their union; and such articles shall be submitted to the voters of the Lafayette Regional and Lisbon Regional School Districts, as single districts, for approval or rejection as provided by RSA 195:18. If such articles provide for participation as six separate pre-existing school districts and if such articles are adopted resulting in the formation of a new cooperative school district, the Lafayette Regional and Lisbon Regional School Districts shall be dissolved effective on the date of operating responsibility of the new cooperative school district.

2 Building Aid. If Lafayette Regional and Lisbon Regional School Districts become part of a new cooperative school district as provided in section 1, participating as single pre-existing school districts, nevertheless, the articles of agreement may provide that all state aid thereafter payable on account thereof shall be calculated as if Easton, Franconia, Sugar Hill, Lisbon Special, Lisbon Town, and Lyman were six separate pre-existing school districts.

3 Referendum. This act shall not take effect unless it is adopted by majority vote at a regular or special meeting of the Lafayette Regional and Lisbon Regional School Districts as hereinafter provided. The warrants for said meetings shall contain an article relative to the approval of this act and the school

district clerks shall prepare a special ballot on which shall be the following: "Shall the provisions of 'An Act relating to the Lafayette Regional and Lisbon Regional School Districts' enacted at the 1972 special session of the legislature be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. If a majority of voters present and voting on the question at each meeting shall vote in the affirmative, this act shall be declared to have been adopted. Within ten days after said meetings the school district clerks shall certify to the secretary of state the result of the vote on the question.

4 Effective Date. The provisions of section 3 relative to a referendum shall take effect upon the passage of this act and if the act shall be adopted in said referendum the remainder of this act shall take effect upon said adoption.

Sen. POULSEN: The amendment is the entire bill. All this does is give to several towns in my District a vehicle on which to vote on the school proposition. The towns involved are Bethlehem, Franconia, Sugar Hill, Easton, Lisbon School District and Lyman. There has been a large study committee of people of all those towns working toggether. They came up with this proposition of combining. They want, if possible, to vote on this at a school meeting. They did not bring it in to us until late in the session, too late to go through the Rules Committee, and we amended another bill to get it in. In the meantime, we have talked to the Education Committee and there is no opposition to this. We have found no objection from anyone because actually it isn't anything. It is simply a thing on which those towns can vote in their own school meetings this Spring.

Sen. ENGLISH: We went over this bill, the subject matter of which is purely educational, and I think the Committee is unanimously of the opinion that this is a good bill.

Amendment Adopted. Ordered to third reading.

HB 11

to increase the borrowing power of the town of Pembroke. Ought to pass. Sen. Ferdinando for Executive Departments.

Sen. FERDINANDO: HB 11 increases the borrowing power of the Town of Pembroke. The Town of Pembroke is contemplating water works expenditures and, at the present

time, they are limited to $450,000. By passing this bill, it would increase their borrowing power to $900,000. The Committee thought this was a good bill and we recommend it be passed today.

Adopted. Ordered to Third Reading.

SJR 1

establishing an interim committee to study the role of the judiciary relative to the concept of the separation of powers. Ought to pass. Sen. Jacobson for Judiciary.

Sen. JACOBSON: SJR 1 establishes an interim committee to study the role of the judiciary with respect to the separation of powers concept. In this instance, the bill is very simple; but the rationale is quite complex so I want to deal with the rationale in a little detail.

SJR 1 deals with what I would consider a potential issue of major importance; that is, the relationship of the separation of powers in our form of government. More specifically, the concern is the significantly increasing use of the judicial branch as an agency for legislative decision. If the trend should continue, the end result would be the nullification of the function of legislatures.

Historically, legislatures have acted as policy makers, interpreting the public's determinant choices. The acts which followed framed, statutorially, public desires and needs. In theory at least, nothing ought to have been done arbitrarily, for both federal and state constitutions served as restraints to legislative abuse. The judicial branch, in addition to other fundamental social functions, was to serve as the corrector of legislatures which trampled on individual rights.

Recent judicial involvement in political and social legislation has radically altered this delicate balance which the Constitution intended. By building on case law precedents, judicial decisions have established a new form of statute which circumvents legislatures and establishes the judiciary as both enactor and judge of law. The end result of such a process is to remove any genuine public participation in matters of legislation which profoundly affect their lives. Judicial encroachment through the assumption of various forms of legislation effectively excludes normative public responses historically channeled through the legislative process.

Without trying to elaborate any full-blown analysis of specific cases, I would only suggest the following recent decisions which, taken as a whole, boggle the mind: a California decision abolishing the death penalty; a California decision establishing education as a fundamental interest, thereby lifting education as an absolute civil right; a Virginia decision which abolishes county lines; a Mississippi decision which moves in the direction of establishing street paving and lighting and sewage and sanitation, among others, as fundamental interests in a way similar to the California decision on education; a Minnesota decision reducing by judicial decision the size of the Minnesota Legislature. If all these are ultimately allowed to stand, the face of America will have been altered revolutionarily, and that with the barest possible minimum of public participation.

Reading these cases, two points must impress us: first, the narrow scope of view from which these decisions are made; and, second, the profound impact that special interest groups have as powers in the decision making process within the judicial branch.

With reference to the first court decision, it establishes fantastically wide ranging social legislation without any, or very little, reference to either historical or sociological data; and, when there is some, it is usually both illogical and erroneous.

In the case of the second, class suits have increased rapidly as an alternative method for social legislation. Minorities of very tiny proportions — most often a special interest group — can more easily achieve a favorable posture without any real possibility of legal response by the public.

The implication of all this is that the relations between the legislative function and the judicial are increasingly fluid. Such a fluidity demands that the legislature have a clear conception of present judicial directions which, if continued, will further diminish the role of the legislature and this, in turn, will reduce an essential function of democracy.

I urge your support of SJR 1.

Sen. NIXON: As you say, even a short foray into the area of philosophy behind this bill boggles one's mind. I wonder if you could point to a single New Hampshire Supreme Court decision which you think represents a threat to the delineation

between the judicial and executive and legislative branches of government.

Sen. JACOBSON: At the present time in New Hampshire there is one case that is pending that may fall into this category. However, the social situation is so accelerated, and remembering that a decision made in California may profoundly affect a decision in New Hampshire because we do have some of the problems such as sanitation, sewer, street lighting. We do not have the race question, but we have the education question. Incidentally, one of the things that disturbs me is that the California decision makes education equal and that is with respect to financing. Now, if that decision should come out and be supported finally by the Supreme Court or this decision that is before the New Hampshire Supreme Court supporting the California decision, we would be in the position of not being able to provide for those who are handicapped an education which is necessary to them because everyone must be treated equally.

Sen. NIXON: You indicated the range of study of the interim committee you had in mind would include what you consider, as I understand it, the increasing unhealthy influence of special interests in the enactment of judicial decisions. Would that study also encompass the influence of so-called special influence groups in the legislative area of activities?

Sen. JACOBSON: I would be glad to accept that as an amendment. This deals with one issue and that is the separation of powers.

Adopted. Ordered to Third Reading.

SB 19

relative to sale of liquor at gold clubs, indoor tennis clubs and nonprofit clubs. Ought to pass with amendment. Sen. Tufts for Ways & Means.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

relative to sale of liquor at golf clubs, indoor tennis clubs, racquet clubs and nonprofit clubs.

Further amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Golf and Indoor Tennis and Racquet Clubs. Amend RSA 17:8 as amended, by striking out said section and inserting in place thereof the following:

178:8 Golf, Indoor Tennis and Indoor Racquet Clubs. In towns which have accepted the provisions of this title the following clubs may be entitled to a license for the sale of liquor by glass only to members and bona fide guests in said club under rules laid down by said commission:

I. A corporation organized to operate a golf club, or its designee, which club shall have at least a nine hole golf links and been established for not less than one year;

II. A corporation organized to operate a tennis or a racquet club, or its designee, which club shall have at least one indoor regulation size tennis or racquet court.

The fee for such license shall be one hundred dollars per annum.

2 Definition of Clubs. Amend RSA 175:1, V by striking out said paragraph and inserting in place thereof the following: V. "Club" a group of individuals, incorporated or otherwise, approved by the commission which has been in existence for at least one year prior to the date of its application for a license, and which is the owner, lessee, or occupant of an establishment not operated for pecuniary gain and the property as well as the advantages of which belong bona fide to all the members. "Club" as herein used also means the establishment so operated.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. TUFTS: The Committee amended this bill and I will attempt to explain it. The bill itself is a compilation of several changes. The amendment merely puts these changes in the proper form in the liquor laws. The two or three changes involved are that it will allow to be licensed in New Hampshire a new type of athletic club, indoor tennis and racquet clubs. These are becoming spotted in the landscape in New Hampshire. It is a sport which is growing and there is considerable investment in the buildings in which these clubs operate. The

usual regulations and specifications will be observed by the Liquor Commission or by the State in that these people will be required to have one year of operation before a license is issued.

In the Committee's opinion, there was a differentiation between clubs. Some clubs were allowed to have a license after three years and others after one year. The Committee is recommending that the measure of one year of operation apply equally to all clubs, whether they are tennis, 9-hole golf courses, fraternal or other nonprofit clubs.

The Committee has gone over this with a public hearing. They have had several negotiations with the tennis people and the Liquor Commissioners and the Senate Ways & Means Committee has voted that this is a recommendation from them to the full Senate.

Amendment Adopted. Ordered to third reading.

SB 18

establishing a committee to study the question of recall of public officials by the electorate. Inexpedient to legislate. Sen. Leonard for Executive Departments.

Sen. LEONARD: This bill sets up a committee to study a recall procedure of a public official. The Committee felt that the vast majority of the public office holders in the State serve for two years and the best way to get them out is at the next election. I think sometimes recall procedures might be dangerous in that a public official voting his best judgment might be the victim of a vociferous minority which would try to recall. If they want to get him out and they have the votes, vote him out the next time.

Sen. Morrissette moved that the words "Ought to pass" be substituted for the Committee Report "Inexpedient to legislate."

Sen. MORRISSETTE: The reason I am making this motion is because I feel that my objective in introducing the bill is one that has not been explained in full. I am not considered an expert on this subject and I would like to become more knowledgeable. Quite a few people have written me and I have received a lot of 'phone calls on this bill although it has been only a few days since the bill has been under consideration.

What I ask is simply to study and look into this concept.

I was going to write to other states and really inquire into it. I can't see why we should be scared to even give consideration to it. This calls for a referendum. The people would decide if the concept is working. We are not even going to draft a bill. We are just going to give the people the privilege of a referendum on the subject. But we are not even willing to consider it — to even study it or think about it.

The concept is not a new one. It goes back to 1903 in Los Angeles, California. Twelve states have passed laws on this subject. Several hundred cities have passed laws relative to this subject.

Only one person spoke against the bill and the biggest argument you hear is that we have frequent elections. This does not hold true in that this year we will have on our ballot to have sessions every year. When I looked into the records, I found that one legislator had missed 74 out of 78 sessions. This is just a minor example. Are you sure that it is unreasonable for the people to have a new election in a case like that? We have decided in the past that if a person dies we do hold an election. If a person does not come to any hearings, he just comes to be sworn in and collect the first couple of checks, there might be a reason for a recall.

But the main thing that disturbs me is that we are afraid to face the issue, to even discuss it. We don't want to talk about it. To get 30% of the people to sign a petition, there would have to be a really serious reason. We are not talking about a bill. We are talking about being broadminded and at least looking into the subject. If you have a privilege like that which you extend to your people, they have greater faith in our government. This is a case where they would have something to say. If a person is elected to office under a misrepresentation or something serious enough so that a large majority of people are willing to sign a petition, what are we afraid of? I don't think there is anyone in this room that is afraid. At least, let's show the people that we are willing to discuss it and not shut the door on it.

Sen. KOROMILAS: I rise in wholehearted support of the pending motion. I can recall way back in my college days when I looked upon recall as something that should not be entertained. But, after spending five years in the Legislature and

also having some contact with other political subdivisions, I find that the idea is very meritorious. I can't believe that this body would establish in SJR 1 an interim committee to study the role of the judiciary relative to the concept of the separation of powers on the one hand, and then turn around and say "no, we are not going to look into a bill that would talk about the recall of the people's representatives." I can't see what harm there is with respect to allowing this bill to pass which would set up not an act or constitutional amendment but a special committee. I have looked into the question of recall in the last session. Many states have it. Oregon has it. Maine has it. In Maine it covers not only the legislature but also the governor and all the senators and representatives, as well as every municipal position in that state. There have been many times where people can do a great deal of damage if they continue in office until the next election. This happened not too long ago in Oregon where a person on the Council in Portland, Oregon who voted for a particular special interest was found out and taken care of by the recall. I am not saying that New Hampshire has corrupt officials, but I think nothing is wrong with the Legislature calling a committee together and looking into this particular situation. The only thing that a recall provision in our Constitution or in the law can do is to make that person much more responsive to the people back home. The idea of saying we will take care of it next election — a lot of things happen and I think there is absolutely nothing wrong with a committee to study this particular situation. This is not alien to our country. Many states have this type of provision and I think it is now time for this body to do something in that particular direcion. It is too bad that the Committee on Executive Departments voted to kill this bill before it had a chance to look into the question; yet we appoint these interim committees *ad infinitum* to check on certain situations that are not as important as this one.

Sen. NIXON: I have read and heard various estimates that a recall proceeding and a special election to fill the vacancy created would cost somewhere in the thousands of dollars. Would this be an expense borne by the taxpayers?

Sen. KOROMILAS: I don't know. After all, all the bill does is ask an interim committee to look into this particular situation. There is no expenditure involved here. All it does is

create an interim committee and whatever that committee may come forward with, then that is the time to say it will cost some money or no money.

Sen. LAMONTAGNE: I have heard mention of one of our legislators being absent 70 to 78 days. Did anyone look into the matter to see whether the person was sick?

Sen. KOROMILAS: I heard this 75 days being missed by an individual but I have never looked into the actual situation. I think this type of interim committee could look into that type of problem, but no one is looking into it right now.

Sen. LAMONTAGNE: Sen. Morrissette, have you looked into this to see whether or not the individual mentioned had been sick?

Sen. MORRISSETTE: Yes, I looked into it. I understand he has a business in Florida and a business at the beach and his time is spent between the two places. I am not saying that is wrong. The people might think it was wrong. But I am saying we should look into it. And there are other problems. According to Legislative Services, there is no means for impeachment in the Senate. This committee could look into that.

Sen. SPANOS: I rise in support of Senator Morrissette's motion and I do so for only one reason — I want my constituents, and Senator Morrissette, to know that I am not afraid of recall.

Motion adopted. Ordered to Third Reading.

(Sen. Porter in the Chair)

SB 20

to license private detectives and private detective agencies. Ought to pass with amendment. Sen. Nixon for Judiciary.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after Chapter 106-D (supp) the following new chapter:

Chapter 106-E

Private Detectives and Private Detective Agencies

106-E:1 Definitions. The following words and phrases when used in this chapter, shall have the meanings as set forth below, except when the context in which they are used requires a different meaning:

I. "Detective agency" shall mean a private detective employing other persons as agents, operatives or assistants, engaging in the business of a private detective.

II. "Person" shall mean individuals, partnerships, corporations, associations or other business entities.

III. "Private detective" shall mean a person engaged for hire, fee or reward in the business of collecting information, protecting property, seeking the return of property or otherwise doing investigative work for a private rather than a public interest, with reference to the following matters:

(a) The identity, habits, conduct, movements, whereabouts, affiliations, transactions, reputation or character of any person;

(b) Whereabouts of missing persons;

(c) Location of property lost or stolen;

(d) With reference to the conduct, honesty, efficiency, loyalty or activities of employees, agents, contractors or subcontractors; and

(e) The affiliation, connection or relatives of any person, firm or corporation with any organization, society association, or with any official member or representative.

It will not include consumer reporting agency or their employees who are engaged solely in the business of assembling or evaluating consumer credit information for a consumer reporting agency as defined in RSA 359-B:3.

IV. "Watchman service, security guard or patrol agency" shall mean the business of furnishing for fee, hire or reward of watchman, guards, private patrolmen or other persons to protect persons or property from damage or to prevent theft or the unlawful taking of goods, wares or merchandise, or the misappropriation or concealment thereof of money, bonds, stocks, notes or other valuable documents, papers or articles of value.

106-E:2 License Required.

I. No person shall engage in the business of, or operate as a private detective or private detective agency nor operate or engage in the business of watchman service, security guard, or patrol agency without first obtaining a license to do so from the director of the state police.

II. Excluded from the provisions of this chapter are insurance adjustors licensed as such, police officers of the state, county, city or town, and security guards employed by educational institutions, business establishments or industrial plants to secure the premises of their employer only.

III. No license shall be issued until the director of the state police is satisfied, from the examination of any application and such further inquiry and investigations as he shall deem proper, that the applicant is of the age of twenty-one years if an individual, and that all employees performing the duties of a private detective for a firm, association or corporation are of such age, and as to the good character, competency, and integrity of the applicant and after payment of:

(a) A fee of fifty dollars for any individual, firm, association or corporation which has employees in addition to the proprietor, to conduct a detective agency. A fee of ten dollars for each individual employed by a detective agency, or who acts as a private detective without the assistance of other employees acting as such; and

(b) Provision of a surety bond as hereinafter provided. All fees collected pursuant to the provisions of this chapter shall be paid into the general fund.

IV. An application for a license may be denied upon failure of the applicant to provide information required, or who falsifies any fact or upon finding that the applicant does not meet a high standard as to character, integrity and reputation.

V. The director of the state police shall have the power to implement the provisions of this section by making such reasonable rules and regulations as he deems necessary not inconsistent wth the provisions thereof.

106-E:3 Application.

I. An application for a license required by the provisions of the previous section shall include:

(a) The name and residence of the person filing the application, including the names and residences of all partners of a partnership or the names of the officers of and the location of the principal office of a corporation;

(b) The name of the person to be primarily responsible for conducting the business in this state;

(c) The name of at least three persons of whom inquiry can be made as to the character, integrity and reputation of the person applying;

(d) Information regarding the person applying, including prior felony convictions, if any, and an indication whether prior detective licenses have been issued to him or revoked in this or any other state; and

(e) A set of the applicant's fingerprints to be taken at state police headquarters and two (passport size) photographs to be submitted by the applicant.

II. In the event of any change in the membership of the firm or in the officers or directors of any association or corporation or any change in the address of any office or location of such business, the director of the state police will be notified in writing of such change within five days thereafter and failure to give such notification shall be sufficient cause for revocation of such license.

106-E:4 Agencies.

I. A licensed agency may employ agents, operatives or assistants as he deems necessary. However, the license holder shall be responsible for the conduct of any such employees who shall be covered under the provisions of the licensee's surety bond.

II. All employees of an agency shall carry identification issued by the director of the state police indicating the licensee by whom the agent, operative or assistant is employed.

III. No trade name or designation shall be used which implies any association with any municipal, county, state or federal government or agency thereof. No licensee shall use a badge of any kind for identification purposes except a security guard who shall wear any badge on the left breast of his uniform while on the premises of his employer where he is so acting. The word "police" shall not be used in any way on any seal, card, badge, advertisement by the licensee.

106-E:5 Surety Bonds. The surety bond required herein shall be conditioned that the principal of the bond shall conduct business in a lawful and honest manner without committing, aiding in the commission of, or compounding any criminal offense. Said bond shall be filed with and safely kept by the secretary of state and may be sued upon by the attorney general of the state in the name of the state or by any person injured by a breach of any condition thereof. The principal sum of the bond shall be not more than ten thousand dollars.

106-E:6 Renewal. Licenses shall be issued on an annual basis to expire one year from date of issue and shall be automatically renewed from year to year thereafter, upon payment of the filing fee and submission of evidence that the surety bond remains in force, and provided that application for renewal is submitted at least fifteen days before the expiration of a previously granted license.

106-E:7 Revocation. The director of the state police shall have the power to revoke a license issued under this chapter, after hearing, if just cause is shown why said license should be revoked. In the event of revocation for cause no part of the license fee shall be refunded.

106-E:8 Penalties.

I. Persons who engage in the business of a private detective, watchman service, security guard or patrol agency without first having obtained a license shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars or imprisonment for not more than six months, or both.

II. Persons who are licensed under the provisions of this chapter or who while acting under the authority of a license, shall by the use of force, threat, torture, coercion, bribe or other unfair inducement, either induce or compel the payment of money or other valuables, shall be guilty of a felony and subject to a fine of not more than five thousand dollars or imprisonment for not more than five years, or both.

106-E:9 Appeals. Procedure. Burden of Proof. Suspension of Order. Appeals from decisions of the director of state police to the superior court shall be permitted as a matter of right if taken within thirty days of the date that a decision of the board is mailed, via certified mail, to the applicant, and not otherwise. In any such appeal the right to trial by jury shall obtain, if re-

quested. No appeal taken from a decision of the director shall suspend the operation or effect of such decision unless decreed by a justice of the superior court.

2 Effective Date. This act shall take effect July 1, 1972.

Sen. NIXON: SB 20 appeared at the regular session as SB 135 and was referred to an interim study committee composed of the Senate Judiciary Committee and the House Committee on Statutory Revisions. The result of the interim study committee's efforts, which included a hearing on January 11 which was participated in by Col. Paul Doyon and Major Paul Leary of the New Hampshire State Police, is the bill, including the amendment, you have before you now.

The bill would provide a first step in the direction of providing some reasonable direction and supervision of those individuals and organizations which do private investigation and detective work in New Hampshire. There has been increasing concern on the part of our uniformed and civilian law enforcement officials here in New Hampshire about individuals and organizations unregulated, unlicensed and for the most part unknown and some of them unclean — coming up here and doing investigative work and, in some cases, wearing badges and uniforms and driving in cars that looked like police cruisers and misleading the public, and, in some cases, charging quite exorbitant fees for their work.

This bill, as amended, would provide that, before anyone engages in such investigative or detective work in New Hampshire, he would be required to obtain a permit or license from the Director of the New Hampshire State Police, pay a filing fee of $10.00 annually if an individual and $50.00 if an organization plus $10.00 for each person doing investigative work and provide character references and suitable evidence of good character and capability before engaging in this work. A surety bond requirement is provided for the protection of the public against losses and wrong doings at the hands of these people so licensed. Exempted expressly from the license requirements are security guards, watchmen for private employers, adjusters licensed under the insurance adjusters licensing law and individauls who are licensed or regulated under the credit bureau or agency investigation laws.

The bill has been reported out by the Judiciary Com-

mittee ought to pass as amended and the amendment is actually a rewriting of the whole bill based on the work of the interim committee.

Amendment Adopted. Ordered to third reading.

SB 21

relative to the age of majority. Ought to pass with amendment. Sen. Leonard for Judiciary.

AMENDMENT

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Effective Date. This act shall take effect July 1, 1973.

Sen. NIXON: During the past regular session, Senator Porter and Sen. Leonard were the joint co-sponsors of a bill reducing the age of majority to the age of 18 or establishing a study committee in respect thereto. This bill would do the same thing. It would, if enacted, reduce the age of majority for all purposes including responsibility, obligations, contracts, what have you, from 21 to 18. It was the feeling of the Committee that, because there already is an interim committee studying this concept with an obligation to report back to the 1973 regular session of the Legislature and because of the many and possibly manifold imponderables arising out of the immediate passage of the bill, an amendment should be attached making the effective date July 1, 1973. In that fashion, the bill comes before you with a report of ought to pass with amendment.

If passed, it would, with this amendment, establish that the age of majority for all purposes would be 18 in New Hampshire as of July 1, 1973.

Sen. SPANOS: What would happen in the situation of certain contractural obligations that exist prior to July 1, 1973.

Sen. NIXON: I can only refer you to the *Dartmouth College* case which established as part of its opinion the principle in our law that by legislative act you cannot interfere with contractural rights. Apart from that, I do not believe it is the intent of the Committee in recommending the passage of this bill effective July 1, 1973 to interfere with any rights or privileges established either by agreement or by judicial decree.

Sen. JACOBSON: With reference to Dartmouth College in another circumstance, does this bill then establish the right of Dartmouth students under the age of 21 to drink hard and low content alcoholic beverages?

Sen. NIXON: I don't think the Committee got into a specific discussion of that general aspect of the bill, but there is no question that the bill is broad enough by its terms to establish that the age of majority for all purposes, including the situation you describe, would be encompassed.

Sen. JACOBSON: This bill, if passed, does not present a repealer of that section does it — with regard to alcoholic beverages?

Sen. NIXON: No. Further in that regard, I don't believe that the Committee felt — and Sen. Leonard can amplify on this — that this bill would, by its adoption and effective date, specifically interfere with or negate any existing law which referred to a specific age in terms of eligibility to do a specific thing such as marry or anything else. There are some statutes on the books which say that, regardless of a majority or adulthood or minority, you have to be a specific age to do a specific thing I do not think the Committee felt this bill would reach and affect those situations.

Sen. JACOBSON: With respect to the marriage contract, it does not affect the contract? The present statute says a female may be 18 and the male 20. Then, that does not affect that part of the statute so that in that instance men would still not have the age of majority?

Sen. NIXON: I think you are correct. I don't know whether you are using the term "majority" correctly. But, unless some specific change were made in that specific statute, this bill now before you would not pertain or affect that situation. That is one reason, among many others, why the effective date of the bill was delayed until July 1, 1973 so that the interim study committee studying the general area and with the specific direction to find and locate all the statutes that need to be repealed to conform to this could be encompassed in that type of legislation to be considered in the 1973 session.

Sen. JACOBSON: In other words, this simply establishes philosophically the principle and does not change a number of existing age qualifications in our statutes?

Sen. NIXON: Incorrect. If this bill is enacted, the age of majority for all purposes not otherwise specified in specific statutes relating to specific situations will be 18 as of July 1, 1973 instead of 21 as is the present situation, so that anything that a person can do now by reason of being 21 or by reason of acting under a statute which says they have to be an adult to do so rather than a minor, they would be able to do or would be responsible for because this bill is far reaching in its implications in that it creates obligations upon those 18 to 21 as well as rights. That is all it is meant to do.

Sen. JACOBSON: One of the large areas of this is the business contract and I remember in the 1969 session of the Legislature it came up about having a contract responsibility at the age of 18 for the purchase of an automobile. Is that specifically stated in the statutes that they must be 21 for the purpose of a contract?

Sen. NIXON: No. I do not believe so. The law to which you refer was enacted in 1971 and it permits a minor 18 or older to purchase an automobile with the written consent of one parent only and to be obligated on that purchase contract.

Sen. JACOBSON: Does this bill change that statute?

Sen. NIXON: I think this bill, if enacted, would pertain in that situation and an 18 year old could enter into contracts generally, including that contract, and be liable on that contract as an adult or a 21 year old.

Sen. JACOBSON: So that the effect of this is to change some areas of responsibility and not others?

Sen. NIXON: I think that is fair to say.

Sen. JACOBSON: What does this do to the resident's tax? At the present time you do not pay the resident's tax until you are 21. Does this establish the payment of the resident's tax for those between 18 and 21?

Sen. NIXON: I do not know whether the law specifically says 21 or refers to your being an adult. If that law as it now reads says specifically age 21, it will not be affected by this bill and that particular law would have to be amended and I assume that would be within the scope of the interim study committee on this subject.

Sen. SPANOS: If this bill does not take effect until July 1, 1973 and there is an interim committee currently studying the subject matter which will report in the 1973 session, what is the significance of enacting this legislation now?

Sen. NIXON: All I can tell you in answer to that is that the bill as it came before us would have taken effect 60 days from date of passage. The sponsor of this bill at this particular session was Sen. Porter and he indicated that, having participated in the only hearing to date of the interim study committee, which apparently has not gone very far along with its work, he would feel more comfortable if the effective date were made July 1, 1973. The feeling on the part of the Judiciary Committee to make the effective date 60 days as it was in the original bill based on what knowledge we had of Vermont's experience where they enacted similar legislation, made it effective immediately, and did not experience the many complications which were predicted would occur because of the involvement of other specific statutes and specific situations. Then, on reflection, it was the feeling of the Committee we should go along with the sponsor's suggestion and go on record, as it were, that we think the age of majority should be 18 but to delay it until July 1, 1973.

Sen. JACOBSON: What specific situations will be changed as of July 1, 1973 in the absence of specific changes in other aspects of our law?

Sen. NIXON: Boys and girls between 18 and 21 will be liable on their written contracts by the terms of their contract, which is not now generally true; they will be able to witness wills; execute wills; execute deeds with respect to real estate. There are many areas of significance which would be affected by this act alone.

Sen. JACOBSON: In terms of the social demands of this group of 18 to 21, are these things that you listed of high demand quality?

Sen. NIXON: I would say definitely yes in the areas of purchase, sale and dealing in real estate and entering into contracts for the improvement of real estate, automobile purchase, purchase of trailers and things of that nature. There is no question.

Sen. LEONARD: This bill was sponsored by Sen. Porter

and myself last session and it was sent off for some further study. People seemed to think that it might make too much of a change in our statutes and should be looked into. The study committee has not done anything that I know of. We have the experience of the State of Vermont which passed this and there was no upheaval. I think that the age of 18 is overdue. Eighteen year olds can vote; they can get married; they can pay rent; they can have children; they can fight wars. But they have trouble buying cars because they are not 21. So I am going to oppose the motion of the Committee. I do not see any reason why we should wait until July of 1973 to make this effective. I think it should be, as originally written, effective within 60 days of passage. I recommend we vote down the amendment and pass the bill as originally written.

Sen. DOWNING: In section 3 of the bill it states that the committee established in 1971 shall identify all changes in the statutes made necessary by this act and shall report its findings and recommendations to the next regular session of the general court. It was my understanding that the intent here was that the Legislature would thoroughly understand all the areas that are changed before it would finally become effective. The bill, as it is worded now to become effective July 1, 1973, would permit the committee to make its report and everyone would understand the changes. There are many changes which you heard here just now. Don't you think passing it and then asking for a report of what we have done is somehow in conflict?

Sen. LEONARD: No, I don't. I don't think they will find many things to recommend a change. As Sen. Nixon pointed out, the age of marriage is 20 in a male and 18 in a female. In my opinion, that would not be changed in this bill but, if anybody wanted to change it in the future, they would have to have a special law to change it. I don't see how the common, ordinary dealings of citizens 18, 19 or 20, are going to be affected at all by passing this bill now. If anything does come up, the Legislature will know about it when they meet next year and they could correct it. I don't see any reason to delay. We delayed it a year and nothing happened. Vermont had no problems.

Sen. KOROMILAS: With respect to Section 3 of the bill, this is the special committee established by the 1971 Legislature. It would seem to have the final say as to what particular laws this particular bill would apply if it became law. It is not

for the Legislature to decide what this bill would change in terms of majority, but what this special committee who would identify the changes would say. Is that a fair statement?

Sen. LEONARD: The committee was appointed by the 1971 Legislature. You could delete paragraph 3 in this bill and they would still make their report. It is not binding. They could file it or they could act on it. And, if you did not have any committee, they could still act on it if it were necessary in a year.

Division Vote: 11 Yeas — 6 Nays.
Amendment Adopted. Ordered to third reading

(Senate President in Chair)

SB 22

relating to legislative ethics. Ought to pass with amendment. Sen. Koromilas for Judiciary.

AMENDMENT

Amend the bill by striking out RSA 14-B:3 as inserted by section 1 of the bill and by renumbering RSA 14-B:4 and 5 as inserted by section 1 to read 14-B:3 and 14-B:4 respectively.

Further amend new RSA 14-B:3, I (b) as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

(b) Investigate the complaints and, after any hearing held pursuant to RSA 14-B:4, make a report to the General Court containing its recommendations, if any, for further action.

Sen. KOROMILAS: The amendment is to delete the disclosure provision which would have required every legislator who had an interest in the amount of $100 or more either in himself or his spouse or dependents which was subject to the jurisdiction of a regulatory agency to report by the 31st of January of that year. The reason 14-B:3, the disclosure section, is being taken out is because it is almost impossible to handle because there are 145 regulatory agencies. And that is the only reason why it is being deleted.

Sen. S. SMITH: If there are 145 regulatory agencies in the State is it not almost impossible to know in the average course of a day's living whether or not you are in violation with some one of these agencies?

Sen. KOROMILAS: That is why it is taken out.

Sen. S. SMITH: Does not the remainder of the bill, even though you do not have to file, cover this area?

Sen. KOROMILAS: I will explain the remainder of the bill at the proper time. I am merely reporting on the deletion of the disclosure provision at this time.

Sen. NIXON: I rise in support of the passage of SB 22 as amended by the Committee. I think it is a very appropriate time for this body to be acting in the direction of regulating the ethics of ourselves. One representative from the north country appeared in support of this bill and reported that there is no issue of greater concern to the constituents in her area than that of honesty and fair dealing among legislators. I think this bill, which was reported by its sponsor as being modeled after the Model Act on Legislative Ethics, is at least a step in the right direction in that regard. I would say I think it is incumbent upon us at this particular time to give our endorsement to this type of proposal and let the people that we represent know that we care what they think about our ethics and we care among ourselves what we do with regard to the standards under which we conduct ourselves and our activities while here in the Legislature.

Sen. KOROMILAS: I rise in support of the bill. I would like to explain the general concept if I may. Although it is called a bill on legislative ethics, it really pertains to a conflict of interest. In the State of New Hampshire, the Constitution talks about bribery and what calls for the disqualification of office. Our Constitution, Part II, Article 96 says that no person shall ever be admitted to hold a seat in the Legislature or any office of trust or importance under this government who in the due course of law has been convicted of bribery or corruption in obtaining an election or appointment. We also have RSA 587:26 and that relates as follows: "if any person shall give or promise any executive judicial officer or any member of the general court." So we have ample legislation with respect to the actual taking of a bribe. In fact, if a person has a record of bribery, he cannot sit in this hallowed chamber.

SB 22 touches upon the horizon of these two provisions — the Constitutional provision and the RSA I just mentioned. It talks about the type of conduct that would endear a Legis-

lature to its electorate. I think that many states have now adopted similar legislation. Maine has something similar but does not go as far as SB 22. SB 22 is a bill that has been recommended by the Council of State Governments. It talks about prohibitive acts.

And the other portion which we actually eliminated was the matter that had to do with disclosure.

I would like to go through the particular provisions of this bill because I think it is important. I think people back home should realize that we are not here for our own private gain. I think this should be enunciated and clearly stated. A Joint Committee on Ethics will be set up by law, not by the Rules of this body or the body next door. This is a statutory provision. This means that there will be a Joint Committee on Legislative Ethics and they will sit as a statutory body.

The first section has to do with the definition.

The next point is very important. "No legislator shall receive any form of compensation from private sources for his duties as a public official." That means a person should not be kept a person who is paid to come up here and take care of their particular interest. Then it goes on to say there should be "no agreement, express or implied, for compensation for services in connection with any judicial or administrative proceeding" wherein a person who has a legislative position might reasonably be expected to give him unusual influence.

The next section II, "ask, receive, or agree to receive anything of value upon any understanding that his official vote, opinion, judgment or action will be influenced thereby." What I intend the bill to mean in that particular category is that a person should not receive any particular thing of value such as number plate or things of that sort to influence him to vote in a particular fashion. Now, I know that people will kind of low-key this particular bill because after all, we are all human and you know these things don't work that way. Well, probably there still will be plates given if this bill becomes law. But at least a person who wants to avoid voting in a certain way, whether it be a plate or otherwise, could say to the person who is asking, "Wait a minute, I am not so sure I want to go along with your proposal or your situation because I might get in trouble

with this Joint Committee on Ethics." And that's another very important aspect of this particular bill.

With respect to III, "receive any gift having a value of five dollars or more regardless of the form of such gift, under circumstances in which it might be reasonably inferred that the gift was made to influence him in the performance of his official duties." Now, I think we all know that while we are here, we are subject to a lot of temptations. People want to take us here. People want to take us there. They want to take us to dinner. They want to give us a good meal. And I understand that this is a perfectly legitimate situation. But, if a person is given this kind of a dinner or this kind of a free run, so to speak, and it can be inferred that this is the reason why it is being done, I think that the Committee may want to take this into consideration. I have put a $5.00 limitation and this does not come out of the Council of State Government's bill. That is left open. But I felt that $5.00 was a fair amount. If a person wants to go $5.00 in terms of a gift, I can see no problem there. I would certainly not receive anything of any kind of value whether it be $5.00 or less.

With respect to using "his official position to secure privileges or exemptions for himself," I have heard of certain situations where people have gone to various government agencies or institutions and have said, "I am a Senator or I am a member of the House and I want this and I want that." I think this type of provision would bring this type of person in conflict with this Joint Committee.

Now, the makeup of this particular Joint Legislative Committee on Ethics is to be chosen in the following manner. One person will be appointed by the President of the Senate and the Speaker of the House. In other words, they would have 2 legislative people sitting on that Committee. That was done with a great deal of forethought. The leaders of both houses choose one person. In Maine, the Speaker of the House and the President of the Senate choose all six — three and three. So, what this would provide is that the Senate President appoint one person and the Speaker of the House appoint one person. With respect to the other four — two from the House and two from the Senate — these people would be chosen by their peers in each respective body. In that way, it would not become some kind of a Committee which would be able to work one way or

the other. It would be a representative group. It would give due regard to the leadership and, at the same time, would allow the conscience of each Senator and each Representative to take part in the selection of these members of this Committee.

There are many restraints in this bill. There is secrecy. The Attorney General is allowed to come in and aid the Joint Committee and, if a probable cause is found, a person would be brought to a hearing.

There is nothing in this particular bill that sets down any kind of fine or sentence. It would seem that if a person were found in violation of this particular bill if it became law, it would be sufficient to bring him forward under the spotlight where the people of his District of the State could look at him.

(Sen. S. Smith in Chair)

Sen. SNELL: Would this prevent you or me from attending a banquet put on by the State Employees' Association for the prime purpose of lobbying for a pay raise?

Sen. KOROMILAS: I have found that no matter how little you receive, whether it be a dinner, whether it be anything of value, you feel somehow that you owe something. But, I don't feel this bill would prohibit that type of thing.

Sen. SNELL: This also would not prevent me from inviting you or some of my colleagues to attend a hockey game at the University of New Hampshire?

Sen. KOROMILAS: I do not know the price of the ticket.

Sen. ENGLISH: In what manner does the Senate chose two people to be on this committee?

Sen. KOROMILAS: It would be the proper thing after the Legislature has been convened to elect two members of the Senate. What the procedures are, I don't know how it would work. But, under this law, there must be a Joint Committee and the Senate must choose two. I suppose if I returned in the next Legislature, I would say I want to run for this particular Legislative Committee. That is how it would work, I suppose.

(Senate President in Chair)

Sen. LAMONTAGNE moved that SB 22 be referred to the Committee established by SB 18.

Sen. LAMONTAGNE: I feel there is a lot more to be looked into on this bill and I think to ask us at this moment to vote on such a bill as this one, I am afraid we might be sorry after we voted. I feel we need to look into this a little more than has been done at the present time. I did not know anything about this until I heard about it just now. I do not feel it would be right to vote for such a bill while I really wouldn't know what I am voting for. I think the best thing for it is to go for more study and then when we come back in 1973 a bill could be introduced at that time.

Sen. JACOBSON: I rise in opposition to the pending motion. I see nothing in this bill that will injure any present member of the Senate acting responsibly in their function as a legislator. There is nothing in here that will tie you down or make you less of an honest person or restrict you in any way if you follow basic ethical considerations which are expected by every voter in your District. Therefore, I oppose the motion.

Sen. KOROMILAS: I rise in opposition to the pending motion. I feel that the bill is very clear. It states exactly what the prohibitive acts are with respect to a Senator or House member. It doesn't ask anyone to be a better legislator; it just asks them to be a real one. I don't see any purpose that would be served by sending it to a special committee to have it studied.

Sen. DOWNING: I rise in opposition to the pending motion and in support of the Committee report. I also see no objection in this. It was discussed quite thoroughly within the Judiciary Committee and I concur with Sen. Jacobson who said there is certainly no member of this body who is in conflict here and no reason why we should not pass it.

Sen. NIXON: I rise in opposition to the pending motion. I think that if we took that direction, our motives in so doing would be subject to misinterpretation. The Senate Judiciary Committee had a lengthy hearing on this bill and then a lengthy discussion following the hearing and we did not feel that any member of the Senate would be at all placed in jeopardy of having his good name dragged into the mud on account of the passage of his bill. We think these are minimal standards and we feel further that we ought to be on record as endorsing these standards and applying them to ourselves. I fear that any suggestion that we would rather have this studied further would be

interpreted as a suggestion that we do not feel these minimal standards should pertain to us at this time and, for fear of that misinterpretation arising, I would suggest that we defeat the present motion and support the Committee report.

Sen. LAMONTAGNE: I have been in the Senate for 18 years. In the 18 years I have been here, I have not seen any Senators I know of that did wrong. If you vote for this bill, people probably are going to say something is wrong. Is there anything wrong? Has there been anything wrong? Everyone here, either Republican or Democrats, works for the interest of their people. I say this bill needs more study.

Division Vote: 3 Yeas; 15 Nays.
Motion lost.
Amendment Adopted. Ordered to Third Reading.

(Sen. S. Smith in Chair)

SB 23

requiring that a capias may be served by police officers. Ought to pass with amendment. Sen. Leonard for Judiciary.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Authority Extended to Police Officers. Amend RSA 498 by inserting after section 13 the following new section: 498:13-a Execution of Capias or Order. Any order for arrest or capias made by a justice or by the court shall be directed as follows: To the sheriff of any county in the state or his deputy; provided that in domestic relations matters pending in the Hillsborough County superior court such order may be issued to any police officer of any city or town in said county.

Sen. LEONARD: SB 23 provides that when a court makes an order for the arrest of an individual, in violation of a court order, it can be directed to the sheriff of the county, a policeman of the state or a policeman of the city or a town. At the hearing this afternoon before the Judiciary Committee, there was a discussion on the broad provisions of this bill when the problem which caused the drafting of the bill really applies to Hillsborough County. So the bill was amended so that when the capias is issued by the Superior Court in domestic relations mat-

ters, it can be sent either to a police officer or a sheriff or deputy sheriff.

Amendment Adopted. Ordered to Third Reading.

SB 24

amending solid waste disposal laws. Ought to pass. Sen. Porter for Resources & Environmental Control.

Sen. PORTER: This bill merely transfers the authority for solid waste out of the Department of Health & Welfare to the Water Supply and Pollution Control Commission. This action is supported by the Commissioner of Health & Welfare and it is an attempt to attack one of the largest problems in New Hampshire — that of solid waste. There is presently one person assigned to the Department of Solid Waste, a gentleman by the name of Tom Sweeney, and he is subsidized by a federal grant. There is no appropriation to his department.

The other part of the bill is related to the maintenance or private dumps and it is also related to the transportation of various vehicles used for hauling dump and garbage materials. The Committee met on the bill and I have subsequently been handed an amendment which would exempt municipal vehicles from the permit requirement and I will be bringing that up at a later point in the discussion. The Committee heard the bill and urges its adoption.

Report Adopted.

Sen. PORTER moved adoption of the following amendment.

AMENDMENT

Amend section 5 of the bill by striking out the same and inserting in place thereof the following:

5 Removal and Transportation. Amend RSA 147:34 by striking out said section and inserting in place thereof the following: 147:34 Permit Required. Any person, firm or corporation who removes, transports, or disposes of, or intends to remove, transport or dispose of waste matter by motor vehicle or other mobile equipment shall hold an unrevoked permit for that purpose from the commission.

Amend section 11 of the bill by striking out the same and inserting in place thereof the following:

11 Government Vehicles. Amend RSA 147:41 by striking out the same and inserting in place thereof the following: 147:41 Exemptions. The provisions of this subdivision shall not be applicable to persons hauling sludge from a public sewage treatment plant, or to individuals hauling animal or poultry manure for use as fertilizer, or to any agency of government.

Amend the bill by inserting after section 11 the following:

12 Effective Date. This act shall take effect sixty days after its passage.

Sen. PORTER: The amendment merely includes something which was deleted in the first draft of the bill. It excludes municipal subdivision and institutions and relieves them from the permit requirement for their vehicles.

Amendment Adopted.

Sen. LEONARD moved adoption of the following amendment.

AMENDMENT

Amend the bill by striking section 12 and inserting in place thereof the following:

12. Amend RSA 147:24, IV by deleting the words, in lines 10 and 11, the words "Brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structures."

13. Effective Date. This act shall take effect sixty days after its passage.

Sen. LEONARD: My amendment provides that the law we passed in 1971 defining refuse be changed. I refer to RSA 147:24, IV, which defines the term "refuse." My amendment deletes the following words in lines 10 and 11: "Brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structures." I have had many people speak to me since last Spring about razing buildings. We have in the Nashua area a lot of Urban Renewal and buildings being torn down. If someone happens to own a piece of land that is not worth anything — it might be an old quarry or a big hole in the ground — this makes excellent fill to save the land and level it off. I don't think it is against the idea behind

these dump regulations and it is in the interest of the State to delete "brick, plaster or other waste matter resulting from the demolition of buildings."

Sen. PORTER: Is it your intention to change the existing law relating to importing materials of this nature from out of state or do you refer only to in-state materials?

Sen. LEONARD: The section which I propose to amend is the section applying to in-state materials.

Sen. PORTER: If this amendment were adopted, does that mean out of state demolition material could be brought into New Hampshire now?

Sen. LEONARD: No, it does not.

Sen. KOROMILAS: Sen. Porter, on page 1 of SB 24, it reads as follows: "the transfer provided for in this section shall not eliminate any existing positions unless such position is now vacant or, if filled, unless its incumbent is or shall be transferred to an equivalent or higher paid position of like tenure." If this function is going to be transferred from the Department of Health to the Water Pollution Board and that person who now sits as a director in that department, he is going to continue to exist even though the function is going to be moved over to another division. Is that correct?

Sen. PORTER: It is the intention that Mr. Sweeney will move with the Solid Waste Division from Health & Welfare to Water Supply & Pollution Control with his staff.

Amendment adopted. Ordered to Third Reading.

Sen. NIXON: I wish the record to show that I did not vote on that bill under Rule 42.

SB 25

to provide penalties for violation of the disclosure of information laws relating to horse and greyhound racing, and to amend the provisions relating to disclosure of information. Ought to pass with amendment. Sen. Nixon for Judiciary.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place there of the following:

1 Nondisclosure Penalties. Amend RSA 284 by adding after section 15-c (supp) the following new section: 284:15-d Penalties. Any person who individually or as an officer of a corporation knowingly conceals or assists in the concealment, or fails to disclose, information required to be provided as specified in RSA 284:15-b shall be fined not more than five thousand dollars, or imprisoned for not more than one year or both.

Further amend the bill by striking out the paragraph 284:15-b as inserted by section 2 of the bill and inserting in place thereof the following:

284:15-b Disclosure of Information. Any person, association or corporation applying for or holding a license issued pursuant to the provisions of this chapter shall file annually, not later than December thirty-first, with the attorney general a complete and detailed written statement, signed under oath, by the applicant or holder of such license, if an individual, or by the officers of the applicant or holder, if a corporation or an association, containing in addition to such information as the commission may prescribe by rule or regulation the following:

Further amend the bill by striking out the paragraph 284:15-b, III as inserted by section 2 of the bill and inserting in place thereof the following:

III. The same and all information which license applicant or holder has or might reasonably be expected to have as to any felony convictions of any officer, director or holder of an ownership interest of any degree; provided, that if said license applicant or holder is an association or corporation in which twenty-five or fewer individuals or organizations hold an ownership interest or stock then the information required by paragraph I, II and III hereof shall be provided by each such interest holder or stockholder, who shall be further required to submit a detailed statement of his assets and liabilities on forms prescribed by the attorney general.

Sen. NIXON: SB 25, as amended, would provide that anyone who fails to comply with the disclosure requirements as to personal situation, business situation, stock ownership, etc., enacted by this body as part of the greyhound racing law last Spring would be subject to a penalty in the amount of $5,000, imprisonment for not more than one year, or both. At the time the disclosure requirements were enacted by us in the Spring,

due to the haste with which those particular amendments were adopted, no penalty for failure to comply with the requirements was inserted in the law. That is the first part of SB 25.

The second part of SB 25 would alter the disclosure requirements themselves to some extent because they have not been complied with under the present law by any applicant in regard to the greyhound racing commission or any existing license holder with respect to horse racing because adjudged totally impractical and unworkable and also ruled by the Attorney General as to be impractical and unworkable and unenforceable. In the sense that under the existing law it would require the license holder to disclose personal information not known to it in most cases about every single stockholder in that license holder regardless of how many shares of stock held. The amendment proposed to SB 25 would restrict the major part of the disclosure of information situation to stockholders who hold 10% or more of the stock in a license holder except in the case of felony convictions and, in that case, the disclosure requirement would pertain in all situations as to all stockholders and also in the situation where the license applicant or holder is an association or corporation in which 25 or fewer individuals or organizations hold an ownership interest or stock. Then, the information required by the disclosure requirements would have to be provided by each such interest holder or stockholder. In that case, further, the interest holder or stockholder would be required to submit detailed statements of his assets and liabilities on forms prescribed by the Attorney General.

It adds a penalty for failure to disclose which did not previously exist and it tailors the disclosure of information requirements themselves to the practicalities of life and makes it practical to work with in the judgment of the people who are going to have to file this information and also the Attorney General of New Hampshire who is going to have to enforce the disclosure requirements.

Amendment Adopted. Ordered to Third Reading.

HB 16

relative to tax exemption for reclaiming swamps. Ought to pass. Sen. Porter for Resources & Environmental Control.

Sen. PORTER: HB 16 repeals a section which grants a tax exemption for reclaiming swamps. The present RSA 72:14 says

that a person who reclaims swamps is exempt from taxation for 10 years. This bill was introduced by Rep. Andrews whose declared purpose is to remove an obsolete provision which is contrary to the present views on ecology. It was felt this old statute should be removed. The Committee urges its adoption.

Adopted. Ordered to Third Reading.

(Senate President in Chair)

SB 16

relative to the administration of the revenue laws. Ought to pass. Sen. R. Smith for Finance.

Sen. R. SMITH: SB 16 is the same bill regarding the administration of revenue measures discussed here earlier in the day and referred to the Senate Finance Committee. The fact was brought out that it will require an appropriation. We were unable to determine at our meeting what amount of appropriation should be inserted and it is our intention to take it up as a part of the total package in the budget.

Sen. KOROMILAS moved further consideration of SB 16 be indefinitely postponed.

Sen. KOROMILAS: I think this particular bill attempts to reorganize, restructure and change the entire concept of our Tax Commission. It also sets up a Commissioner of Revenue Administration job and I think there is no real urgency here. I feel this bill should wait until the next session to have it studied further. I can't see why we are actually proposing legislation which we now admit should not be funded at this time.

Sen. S. SMITH: I rise in opposition to the motion. SB 16 is a bill which I indicated earlier today has had a great deal of consideration. There has been a great deal of interest in it. There has been a great deal of concern from constituents — mine and I am sure from many — as to the speed with which questions are resolved. I think there is need from the administration point of view and from a quasi-judicial point of view to make this change at this time. I think that the Senate Finance Committee gave very serious consideration to this bill. It did not appropriate or place money in the bill for a very specific reason. The reason the funds were not presented was because of much questioning that has gone on in this chamber over the last few days relative to priorities. We will hope to pass the bill, giving it some priority. By killing it, you deny any priority,

either here further or in the House. By the passage of the bill, you give it some priority. When we receive the budget from the House, we then can look at the figures and determine in the Senate Finance Committee and here in the body of the Senate which items do have priority — whether it be this bill, SB 17, whether it be state employees pay raise, and what combination and in what balance. One cannot say, as has been tried to indicate here today, that one thing has absolute priority over another. Priority is a relative thing when we know how much we have to spend and when we know the total requests. I hope the Senate will defeat this motion and pass the bill.

ROLL CALL

Requested by Sen. Koromilas. Seconded by Sen. Downing.

Yeas: Sens. Ferdinando, Marcotte, Koromilas, Downing and Tufts.

Nays: Sens. Lamontagne, Poulsen, S. Smith, Snell, Townsend, Jacobson, Spanos, Nixon, English, Porter, Leonard, R. Smith, Provost and Brown.

Result: Five Senators having voted in the affirmative and Fourteen voted in the negative, the Motion lost.

Ordered to third reading.

(Sen. S. Smith in Chair)

SB 17

establishing an environmental protection department, and making an appropriation therefor. Ought to pass with amendment. Sen. R. Smith for Finance.

AMENDMENT

AN ACT

establishing an environmental protection department

Amend the bill by striking out sections 2 and 3 and renumbering sections 4, 5, 6 and 7 to read 2, 3, 4 and 5.

Further amend the bill by striking out section 5 and inserting in place thereof the following section:

5 Effective Date. Sections 1, 12, 13, 14, 15, 16 and 17 of

RSA 12-E as inserted by section 1 of this act shall take effect July 1, 1972. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of RSA 12-E, as inserted by section 1 of this act, and sections 3 and 4 of this act, shall take effect when the department has adopted the rules and regulations provided for in RSA 12-E:15, II, following notice and public hearing. An order promulgated by the governor declaring that the department has adopted the prescribed rules and regulations shall be conclusive evidence of the said effective date. Section 2 of this act shall take effect July 1, 1972.

Sen. R. SMITH: What the amendment does is strike out the appropriation. The Senate Finance Committee met this afternoon to consider this bill and was unable to get complete information as to the cost of the package. I think there was a general feeling that the bill should be kept alive and the only way we could see to do that was to pass it without the funding and with the intention of making an attempt in the budget to fund the bill.

Amendment Adopted.

Sen. JACOBSON moved the adoption of the following amendment.

AMENDMENT

Amend RSA 12-E:1, II (a) by striking out the first line and inserting in place thereof the following:

(a) Any residential, commercial or industrial development, including subdivisions

Sen. JACOBSON: This bill, as originally written stated the proposition as any commercial or industrial development. There are those who interpret the word "commercial" to include residential developments, but in the towns that I am acquainted with and which have planning and zoning regulations, they always distinguish between commercial, industrial and residential. As I understand from Senator Porter, the sponsor of the Bill and the Committee Chairman, it was the Committee's clear intention this should include all residential developments as well since they become a serious question of environment, particularly the great recreational type. The Court has upheld the Sanbornton zoning law and this clearly sets down a precedent that residential development is extremely important in the whole environmental program. Therefore, in order to make it

specifically clear, I offer this amendment of residential, commercial and industrial.

Amendment Adopted. Ordered to Third Reading.

(Senate President in Chair)

HOUSE MESSAGE

The House of Representatives has voted to refer HB 50, An Act providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed, to a special committee consisting of five members of the House appointed by the Speaker and three members of the Senate appointed by the President with the direction that said committee consider said bill and report its recommendations to the House and Senate no later than the tenth legislative day and, be it resolved, that the joint rules be so far suspended as to permit this action.

The Speaker appointed as members of said committee on the part of the House, Reps. Drake, LaMott, Raymond, Trowbridge and Drouin.

Sen. R. Smith moved the Senate concur.
Adopted.

The President appointed as members of said committee on the part of the Senate: Sens. S. Smith, Porter and Spanos.

(Sen. S. Smith in Chair)

HOUSE MESSAGE

CONCURRENT RESOLUTION

Sen. Bradshaw moved the Senate concur in the adoption of the following Concurrent Resolution.

Resolved, that Joint Rules 12 be changed by striking out the words, "seventh legislative day" and submitting therefor, the words, "eighth legislative day."

Sen. BRADSHAW: The situation is this. The Senate, in its usual fashion, has buckled down and taken care of its work. The House, after deliberation, referred the budget bill — HB 43 — back to the Committee on Appropriations. They also have 5 other bills that have not been acted upon and the House

is in difficulty so far as maintaining a quorum. Unlike the Senate, the House seems to have a problem of getting their members to come back when compensation is not paid. Consequently, the Speaker has asked if I would explain the situation to the Senate and urge the Senate to concur in the adoption of the Resolution just read so that the House can come back next Tuesday, which would be their 8th legislative day. They would dispose of the rest of the House bill on that day. We would not meet until Wednesday so that Wednesday would be our 8th legislative day. This puts us out of phase as far as legislative days are concerned and I think this is very important that we do not lose a legislative day because we now have the bulk of work in our body and all bills have to be out by the 13th legislative day.

I think that, understanding the problem which the House has, it would be well for us to go along with the Resolution. I don't think the Senate is hurt one bit. We still have 6 legislative days in order to hold our hearings and make our determinations on these bills.

I hope that you will support the Resolution.

Division Vote: 16 Yeas; 3 Nays.
Adopted.

(Senate President in Chair)

Sen. Spanos moved that the Senate do now adjourn from the Early Session and that on third reading, all bills be read by title only, and all resolutions by caption only, and that when the Senate adjourns, it be until Wednesday at 1 o'clock and further that when we so do it be in honor of National Engineers Week.

Adopted.

LATE SESSION

SUSPENSION OF THE RULES

Sen. SPANOS moved that the Rules of the Senate be so far suspended as to place the following bills and resolutions on third reading and final passage at the present time: SB 3, SB 5, SB 11, SB 16, SB 17, SB 18, SB 19, SB 20, SB 21, SB 22, SB 23, B 24, SB 25, SJR 1, HB 11, and HB 16.

Adopted.

Third Reading and Final Passage

SB 3, establishing an interim legislative committee to investigate and make recommendations as to methods of financing public eduaction which will conform to equal protection requirements of the constitution.

SB 5, relating to the Lafayette Regional and Lisbon Regional School Districts.

SB 11, relative to appointment of student ballot inspectors.

SB 16, relative to the administration of the revenue laws.

SB 17, establishing an environmental protection department.

SB 18, establishing a committee to study the question of recall of public officials by the electorate.

SB 19, relative to sale of liquor at golf clubs, indoor tennis clubs, racquet clubs and nonprofit clubs.

SB 20, to license private detectives and private detective agencies.

SB 21, relative to the age of majority.

SB 22, relating to legislative ethics.

SB 23, requiring that a capias may be served by police officers.

SB 24, amending solid waste disposal laws.

SB 25, to provide penalties for violation of the disclosure of information laws relating to horse and greyhound racing, and to amend the provisions relating to disclosure of information.

SJR 1, establishing an interim committee to study the role of the judiciary relative to the concept of the separation of powers.

HB 11, to increase the borrowing power of the town of Pembroke.

HB 16, relative to tax exemption for reclaiming swamps.

RECONSIDERATION

Sen. S. Smith moved Reconsideration of SB 16.
Motion lost.

Sen. Porter moved Reconsideration of SB 17. Motion lost.

Sen. Koromilas moved Reconsideration of SB 22. Motion lost.

RECESS at 8:42 p.m.

AFTER RECESS

(Sen. S. Smith in Chair)

HOUSE CONCURRENCE

SB 9, relative to redistricting the congressional districts.

HOUSE MESSAGED BILLS

First, second reading and referral

HB 3, correcting certain errors in the acts relative to reapportionment of Keene representatives to the general court and delegates to the state convention. (Reapportionment)

HB 6, increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds. (Finance)

HB 12, relative to insurance on state owned pressure vessels. (Public Works & Transportation)

HB 17, establishing the rights of policemen. (Executive Departments, Municipal & County Governments)

HB 20, providing that children of prisoners of war in South East Asia be given free tuition in the state's institutions of higher learning. (Ways & Means)

HB 24, establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles. (Recreation & Development)

HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases. (Executive Departments, Municipal & County Governments)

HB 38, amending the Lebanon city charter to provide that the mayor shall make all appointments other than certain ex-

ceptions subject to the approval of the council. (Executive Departments, Municipal & County Governments)

HB 39, relative to landlord and tenant rights. (Judiciary)

HB 42, to suspend the implementing of certain governmental programs until such time as state and/or federal funding is available. (Executive Departments, Municipal & County Governments)

HB 54, authorizing an amendment of the Amherst-Milford authorized regional enrollment area plan in order to reduce the number of grades covered by the plan. (Education)

HB 56, relative to the procedure to be followed by medical referees. (Public Health, Welfare & State Institutions)

HB 65, requiring filing of social security numbers with department of probation. (Judiciary)

HB 68, relative to permitted earnings for retired teachers and state employees. (Ways & Means)

HB 69, amending the charter of the city of Rochester by redrawing the ward lines to provide for five wards, and providing for the election of city officials on the basis of five wards; and reapportioning the representative districts in said city. (Reapportionment)

HB 71, relative to the acquisition and disposal of industrial facilities. (Executive Departments, Municipal & County Governments)

HB 72, providing that each lobsterman fly his own distinctive colors or paint them on both port and starboard bow. (Recreation & Development)

HB 73, requiring positive action by the New Hampshire Port Authority to pre-empt the authority of towns or cities over ports, harbors or navigable tide rivers. (Executive Departments, Municipal & County Governments)

HB 74, relative to flammable fabrics. (Public Health, Welfare & State Institutions)

HB 77, relative to the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature. (Judiciary)

HJR 3, to authorize Portsmouth and Dover to verify their checklists in 1972 rather than 1973. (Executive Departments, Municipal & County Governments)

HJR 5, establishing an interim committee to study a deferred tuition program for the state. (Education)

Sen. JACOBSON: I would like to note for the record there is no representative of the public newspaper present in the Senate at this moment, and further, that the doors and galleries are open.

Sen. Downing moved the Senate adjourn at 1:10 p.m.
Adopted.

Wednesday
1Mar72

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by Senate Chaplain, Rev. William L. Shafer.

"Master Divine,
We bring to Thee the tasks of this day —
Above all, the great task of being the men Thou wouldst have us to be,
Of fulfilling Thy ambitions for us.
Grant unto us a zeal to work with Thee,
To cooperate in Thy purpose for our lives.
We know that, for each one of us,
Thou hast a great and glorious future in store
If only we will permit Thee freedom
To work out that future for us.
Help us therefore to give Thee full scope in our lives,
That in serving Thee and in serving our fellow-men,
We may fulfill Thy ambitions for us." Amen.

(J. S. Hoyland, "A Book of Prayers Written for an Indian College")

Pledge of Allegiance was led by Sen. Poulsen.

HOUSE MESSAGED BILLS

First, second reading and referral

HB 40, accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death. (Ways & Means)

HB 43, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, and non-academic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof. (Finance)

HB 44, providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973. (Ways & Means)

HB 49, making appropriations for capital improvements and amending the 1969 capital budget. (Public Works & Transportation)

HB 66, providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor. (Public Works & Transportation)

HB 67, exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter and making an appropriation therefor. (Finance)

ENROLLED BILLS REPORT

SB 9, relative to redistricting the congressional districts.

HB 11, to increase the borrowing power of the town of Pembroke.

HB 16, relative to tax exemption for reclaiming swamps.

Sen. Ferdinando
For The Committee.

Adopted.

VACATE COMMITTEE

Sen. Morrissette moved that the order whereby HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases, and HB 46, establishing a line item budget for the city of Manchester, were referred to the Committee on Executive Departments, Municipal & County Governments be vacated and the bills referred to the Manchester Delegation consisting of Sens. Ferdinando, Morrissette, McCarthy and Provost.

Adopted.

Sen. Townsend moved that the order whereby HB 38, amending the Lebanon city charter to provide that the mayor shall make all appointments other than certain exceptions subject to the approval of the council, was referred to the Committee on Executive Departments, Municipal & County Governments be vacated and the bill referred to a Special Committee consisting of Sens. Townsend, Jacobson and Spanos.

Adopted.

COMMITTEE REPORTS

HB 15

legalizing certain town meetings in the towns of Auburn and Newington and certain votes and proceedings of the planning board of the town of Newington. Ought to pass with amendment. Sen. Poulsen for Executive Departments, Municipal & County Governments.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act

legalizing certain town meetings in the towns of Auburn, Farmington and Newington and certain votes and proceedings of the planning board of the town of Newington.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Proceedings Legalized. All of the votes and proceedings of the annual town meeting held March 13, 1968 (and ad-

journed until April 9, 1968), the special town meeting authorized by the Strafford County Superior Court and held November 4, 1970 and the special town meeting authorized by decree of the Strafford County Superior Court and held May 25, 1971 in the town of Farmington with reference to the construction of a municipal sewage system to abate pollution to its surface waters as ordered by the New Hampshire water pollution commission and to extend the sewage treatment to the compact area of the town of Farmington, are hereby legalized, ratified and confirmed.

5 Effective Date. This act shall take effect upon its passage.

Sen. POULSEN: This is purely a legalizing bill. The town of Auburn had no problem with their town meetings except that they were constantly challenged by bond counsel and lawyers.

In the town of Newington, their problem was with the planning board and had to do with a piece of land which was surrounded by commercial property. They wanted to make it residential and they had shortened the notice. This bill would legalize that action.

The amendment to the bill has to do with the towns of Auburn, Farmington and Newington, Again, it is a planning board procedure. There is absolutely nothing wrong except that this legalizes it so that they will not be challenged by legal counsel.

Amendment Adopted. Ordered to Third Reading.

HB 21

relative to the New Hampshire American Revolution Bicentennial Commission. Ought to pass. Sen. Jacboson for Executive Departments, Municipal & County Governments.

Sen. JACOBSON: The New Hampshire American Revolution Bicentennial Commission has run into the same problem that every commission runs into and that is a high degree of absenteeism. The original appointees to this Commission have been appointed to the year 1983 which celebrates the bicentennial of the *end* of the American Revolution. However, a number of the original appointees have not turned up for the Commission meetings. They have been called and cajoled but without response. This bill is an effort to eliminate those people

who have no interest and concern in effectively serving the Commission. It allows that any member who is absent for 4 consecutive meetings shall be declared off the Commission and that Commission spot left vacant so that a new person may be appointed by the Governor.

I may say also, it may serve as a prototype to some of our legislative commissions to which members are appointed and who never appear but they put it on their political literature.

Adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Sen. English moved the rules of the Senate be so far suspended as to allow the introduction of a Committee Report on HB 54 not previously advertised in the *Journal.*

Sen. ENGLISH: HB 54 has uniquely to do with the Amherst-Milford so-called enrollment area. It is an education bill which provides that the two towns discuss their plans for the future. There are no known opponents to this proposal and both of the towns are very anxious this bill be passed as soon as possible so that they can proceed with their plans.

Adopted.

COMMITTEE REPORTS

HB 54

authorizing the amendment of the Amherst-Milford authorized regional enrollment area plan in order to reduce the number of grades covered by the plan. Ought to pass. Sen. English for Education.

Adopted. Ordered to Third Reading.

SUSPENSION OF RULES

Sen. S. Smith moved the rules of the Senate be so far suspended as to allow the introduction of a Committee Report on HB 69 not previously advertised in the *Journal.*

Sen. S. SMITH: The reason for this is that the Rochester Delegation adopted a bill in the House for the redistricting of the City of Rochester. The bill came to the Senate last Thursday and we had a hearing on it this morning. There is a question in the bill of a referendum and if this bill is to be acted

upon and a referendum held, the bill should be acted upon today.

Adopted.

COMMITTEE REPORT

HB 69

amending the charter of the city of Rochester by redrawing the ward lines to provide for five wards, and providing for the election of city officials on the basis of five wards; and reapportioning the representative districts in said city. Ought to pass. Sen. S. Smith for Reapportionment.

Sen. S. SMITH: What this bill does is to redistrict the City of Rochester, realigning ward lines. There is a reduction from 6 to 5 wards. The bill had the unanimous vote of the Rochester Delegation and has passed the House. It is my understanding that the City Council, with 3 members absent, voted 9 to 0 in favor of this bill. Due to the fact that the bill has a referendum factor in it and that the referendum is to be held March 7, it is my hope that the Senate will give this speedy approval.

Sen. MARCOTTE: I rise in support of HB 69. Being a part of the newly numbered 6th District, I had the opportunity to speak with the Rockingham Delegation relative to this bill. They were all unanimous so I have no objection whatsoever to changing the redistricting of this area.

Adopted. Ordered to Third Reading.

SUSPENSION OF RULES

Sen. S Smith moved the rules of the Senate be so far suspended as to allow the introduction of a Committee Report on HB 3 not previously advertised in the *Journal.*

Adopted.

COMMITTEE REPORT

HB 3

correcting certain errors in the acts relative to reapportionment of Keene representatives to the general court and delegates to the state convention. Ought to pass. Sen. S. Smith for Reapportionment.

Sen. S. SMITH: This bill is primarily a technical bill. During the regular session when the reapportionment bill for the

House was passed and when the bill relative to the redistricting of the City of Keene was adopted, there was confusion as to the House district numbers. In effect what happened was that now there are two districts 11 in Cheshire County. This will resolve the issue and follow along with the redistricting as outlined in the Keene bill. It simply renumbers the House districts.

Adopted. Ordered to Third Reading.

Sen. Downing moved a supplement to the *Journal* of Wednesday, February 23, 1972, be printed to include verbatim all remarks relative to SB 17.

Sen. DOWNING: The purpose of my motion is limited to the discussion on SB 17 and, more specifically, to the areas of the *Journal* as printed from following Sen. Poulsen's remarks on page 81 to Sen. Snell's remarks on page 85, the deletions in between and following it. In listening to the tape, I find there were 10 questions of my own and answers which had been deleted or overlooked for some reason or other. I put a high — it was relative to discussion on priorities. I might say I put a high priority on the time of this body and I trust I don't waste it with frivolous questions. I believe my questions were searching, quite pertinent and they brought responses that were very thoughtful and significant. We are talking about a minimum of 20 comments that have been deleted from this section and I think they'd be very interesting, very informative to the public in explaining the process of this body. I think it vitally important that they be recorded other than the permanent *Journal* that they be recorded and published in the regular procedure published in the Senate *Journal.*

Adopted.

PARLIAMENTARY INQUIRY

Sen. KOROMILAS: On page 128 of the Senate *Journal* dated 23Feb.72, as it pertains to SB 16, relative to the administration of the revenue laws, it was my understanding the day of the session that the Finance Committee recommended that they had no idea what amount should be appropriated in SB 16. There was no appropriation in SB 16 and no amendment was made to SB 16. I am looking at page 20 of SB 16 and No. 5 at the top of the page reads "Commissioner of revenue administration $20,301-$25,400." My Parliamentary Inquiry is, taking those facts into account, does that verbiage on page 20 of SB 16

appropriate monies to this Revenue Commissioner?

CHAIR: We would refer the member to page 87 of the same Senate *Journal* wherein the Committee on Executive Departments offered an amendment to SB 16.

PARLIAMENTARY INQUIRY

Sen. KOROMILAS: The *Journal* does not indicate that the appropriation had been stricken from SB 16 when there were representations that it had been stricken. I want to know whether it had been stricken or whether it is still in the bill as it left the Senate.

CHAIR: Page 20 of SB 16 is simply a transfer from one category to another and it was not a new appropriation.

PARLIAMENTARY INQUIRY

Sen. KOROMILAS: It is my understanding that if this bill were to pass the House in its present form without amendment, it would have to go to their Appropriations Committee or come back here because it had been amended.

CHAIR: We are not familiar with what action the House has taken on SB 16.

Sen. SPANOS: I would like to make the record clear on this issue insofar as the Finance Committee's understanding on appropriating funds. I am very sure that the entire Committee felt that no new appropriations should be added to that bill because we felt it would be unfair to pass it along with that on SB 16 and not do the same thing for SB 17. It was very, very clear in the minds of the Finance Committee that there be no additional appropriations to that bill. So, as far as I know, what this Senate body passed was a bill — SB 16 — carrying no new appropriation.

Sen. JACOBSON: Originally, in SB 16, there was no appropriation, Is that a correct statement?

Sen. SPANOS: That is correct.

PERSONAL PRIVILEGE

Sen. LEONARD: The State of New Hampshire is a small state with one statewide newspaper — the *Manchester Union*

Leader. The publisher of this paper, in my opinion, has an important and powerful role to play in New Hampshire's affairs. He has a sacred trust to be fair in the operation of his newspaper due to the monopoly he controls. Generally, the *Manchester Union Leader* covers the news of New Hampshire very well.

Publisher Loeb, on some occasions, uses his "statewide monopoly" more for personal vendetta than good news reporting. When he disagrees with a public figure, he attacks him unmercifully in front page editorials and featured articles. On the other hand, when he is favorable to another person, this person can do no wrong, regardless of his ability. He receives reams of copy that inflates his public image out of proportion.

Mr. Loeb obviously is not favorable to Senator Ed Muskie, one of the Presidential candidates this year. Last week, Mr. Loeb published a letter, from Florida, indicating that at an affair in Florida recently, someone next to Senator Muskie stated something to the effect that the State of Maine has "Canucks." This was featured in a front page editorial screaming that Senator Muskie had insulted all French-Americans in New Hampshire. The innuendo in the Editorial was that Senator Muskie made the statement when, in fact, he made no statement. Though the statements in the letter, and the writer of the letter were not checked out, as fairness would dictate, it was featured as if it had the integrity of the *Congressional Record*.

The tirades of Bill Loeb and his featured vendettas do not improve the image of the *Manchester Union Leader*. They are abusive and unfair and nothing more than the extreme abuse of power by a self-centered man holding the reins of a newspaper monopoly.

Sen. Spanos moved the Senate do now adjourn from the Early Session and that on third reading, all bills be read by title only, and that when the Senate adjourns, it be until tomorrow at 1 o'clock.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 3, correcting certain errors in the acts relative to re-

apportionment of Keene representatives to the general court and delegates to the state convention.

HB 15, legalizing certain town meetings in the towns of Auburn, Farmington and Newington and certain votes and proceedings of the planning board of the town of Newington.

HB 21, relative to the New Hampshire American Revolution Bicentennial Commission.

HB 54, authorizing the amendment of the Amherst-Milford authorized regional enrollment area plan in order to reduce the number of grades covered by the plan.

HB 69, amending the charter of the city of Rochester by redrawing the ward lines to provide for five wards, providing for the election of city officials on the basis of five wards; and reapportioning the representative districts in said city.

Adopted.

RECONSIDERATION

Sen. S. Smith moved Reconsideration of HB 69.

Motion lost.

Sen. Foley moved the Senate adjourn at 1:50 p.m.

Adopted.

Thursday

2Mar72

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by Senate Chaplain, Rev. William L. Shafer.

"For all the things for which we have never given thanks to Thee, O Lord, we humbly bow our hearts. For common things of earth which sustain our bodies in health and strength, though we pay scant attention to them, we give Thee thanks.

For far-off things in the ages past or in lands distant from us which enlarge our heritage and expand our horizon, we give Thee thanks. For invisible things of heaven and earth which sweeten life with beauty and grace, we give Thee thanks. For things of the spirit which disclose to us the beauty of Thy holiness and sanctify the passing time with eternal meaning, we give Thee thanks. For things bought with a great price, given to us without cost, by which we are deepened and heightened to the measure of Christ our Lord, we give Thee thanks. Though there be no end to Thy gifts, help us to number them as they are revealed to us day by day. Amen."

(Prayer by Dr. Samuel H. Miller)

Pledge of Allegiance was led by Sen. Porter.

HOUSE MESSAGED BILL

First, second reading and referral

HB 50, providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed. (Resources & Environmental Control)

VACATE COMMITTEE

Sen. Porter moved that the order whereby HB 50, providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed, was referred to the Committee on Resources & Environmental Control be vacated and the bill referred to the Committee on Finance.

Sen. PORTER: A special committee which was established by the Senate consisting of Senators Spanos, Stephen Smith and myself has worked very closely with the House Appropriations Committee for the past several days in reviewing this bill, putting in the correct language and reviewing the appropriation involved in the bill. I think, frankly, at this point the bill should be reviewed by the Finance Committee for the appropriation and content thereof.

Adopted.

ENROLLED BILLS REPORT

HB 3, correcting certain errors in the acts relative to reap-

portionment of Keene representatives to the general court and delegates to the state convention.

HB 21, relative to the New Hamsphire American Revolution Bicentennial Commission.

HB 54, authorizing an amendment of the Amherst-Milford authorized regional enrollment area plan in order to reduce the number of grades covered by the plan.

HB 69, amending the charter of the city of Rochester by redrawing the ward lines to provide for five wards, and providing for the election of city officials on the basis of five wards; and reapportioning the representative districts in said city.

Sen. Ferdinando
For the Committee

Adopted.

HOUSE MESSAGES

HOUSE CONCURRENCE

SB 13, permitting minors to receive certain medical treatment without parental consent.

HOUSE CONCURRENCE IN SENATE AMENDMENT

HB 15, legalizing certain towns meetings in the towns of Auburn, Farmington and Newington and certain votes and proceedings of the planning board of the town of Newington.

SENATE NON-CONCURRENCE IN HOUSE AMENDMENT

REQUEST FOR COMMITTEE OF CONFERENCE

On Motion of Sen. Leonard, the Senate voted to non-concur and establish a Committee of Conference on:

SB 15, repealing the provisions for discretionary real estate licenses and providing for the examination of holders thereof.

The President appointed as conferees on the the part of the Senate: Sens. Tufts and Leonard.

SUSPENSION OF RULES

Sen. Jacobson moved the rules of the Senate be so far sus-

pended as to allow the introduction of a Committee Report on HB 35 not perviously advertised in the *Journal.*

Adopted.

COMMITTEE REPORT

HB 35

permitting the town of Durham to change from a calendar year to a fiscal year accounting period, and providing for the dates and manner of collecting taxes in the transitional period. Ought to pass. Sen. Jacobson for Executive Departments, Municipal & County Governments.

Sen. JACOBSON: This bill has come into the Senate today under suspension of the rules because part of the bill relates to next Tuesday. The body of the bill is related to the town of Durham which now proposes to go on the fiscal year instead of the calendar year. Under our present statutes, as passed last year, there would be no need for the bill with respect to the fiscal year proposition. It is already authorized. However, the town of Durham wants also to include in the proposal which is presented at town meeting a method whereby the collection of taxes shall take place for this 18 month period which would begin on January 1, 1973. So, in order to have that authorization to provide for the method that they have established, there is need for this legislation and there is need that it be passed and signed today.

Adopted. Ordered to Third Reading.

SUSPENSION OF RULES

Sen. Jacobson moved the rules of the Senate be so far suspended as to place HB 35 on Third Reading and Final Pasage at the present time.

Adopted.

Third reading and final passage

HB 35, permitting the town of Durham to change from a calendar year to a fiscal year accounting period, and providing for the dates and manner of collecting taxes in the transitional period.

Adopted.

COMMITTEE REPORTS

HB 8

authorizing the department of education to apply for and expend federal funds available for technician and vocational-technical programs. Ought to pass. Sen. English for Education.

Sen. ENGLISH: HB 8 provides that the State Department of Education may apply for federal funds for the purpose of developing technical and vocational-technical training programs. The acceptance and the program authorization and the expenditures under each grant shall be approved by the Governor and Council when said grant has not been approved by the General Court.

Adopted. Ordered to Third Reading.

HB 19

authorizing Nathaniel Hawthorne College to grant baccalaureate degrees. Ought to pass. Sen. English for Education.

Sen. ENGLISH: HB 19 authorizes Nathaniel Hawthorne College to confer upon the graduates thereof the degree of Bachelor of Arts or Science and to give customary honorary recognition to outstanding individuals.

Adopted. Ordered to Third Reading.

HB 14

relating to the exclusive civil jurisdiction in district courts. Ought to pass. Sen. Nixon for Judiciary.

Sen. NIXON: HB 14 was sponsored by Rep. Zachos of Hillsborough District No. 27, Chairman of the House Judiciary Committee, at the request of the Administrative Committee of Municipal and District Courts. At the present time in New Hampshire, there are 14 district courts, which have exclusive jurisdiction of civil actions — actions for money, damages, etc. which do not exceed $500.00 in claimed amount. This bill, if adopted and enacted by the Senate, having been passed by the

House, would provide that exclusive civil jurisdiction to that extent would pertain in *all* district courts in New Hampshire rather than in only the 14 that now have it. The bill is thought to be a good one in the sense that it will expedite the disposition of smaller claims and process them through the courts which are concerned primarily with matters of that magnitude.

Thus, the Committee recommendation that the bill be reported ought to pass having been supported by testimony from Rep. Zachos, by Rae Laraba, former Secretary of the Administrative Committee of Municipal and District Courts, by Attorney John Pendleton speaking for the New Hampshire Judicial Council. There was no opposition to the bill.

Adopted. Ordered to Third Reading.

HB 25

establishing procedure for authorizing action by the spouse or next of kin of prisoners of war or persons missing in action. Ought to pass. Sen. Nixon for Judiciary.

Sen. NIXON: HB 25 was sponsored by Reps. Cobleigh and Varrill and passed by the House. It is an act to provide a simple, inexpensive procedure whereby the next of kin of New Hampshire fellows who are prisoners of war or missing in action can apply for and obtain from the probate judge of the county where they are resident, authority to deal with property without going through formalities and expense of being appointed a conservator, which requires filing of a bond and, usually, the hiring of a lawyer, etc.

In the case of property which is under $5,000 in amount — for instance, a motor vehicle or something like that — a simple application form and affidavit is submitted and, without any hearing being required, the court can approve the granting of the authority and the wife, or widow as the case may be, can sell or dispose of that piece of property or vehicle.

In the case of property $5,000 or more in value, some more detailed information is required to be set forth in the application and the court, in that case, can appoint guardians *ad libitum* to represent absentee or other interested persons and has

to have a hearing on the application. So, it is a little more formal, but still not quite as complicated as the procedure in relation to the appointment of a conservator.

The bill was supported in testimony by Attorney Martin Gross, Legal Counsel to Governor Peterson, by Mr. Everett Grass for Speaker Cobleigh and there was also testimony by Attorney Wells Anderson, the Director of Charitable Trusts, who raised a question as to whether the bill was absolutely necessary in the belief that the conservatorship proceeding probably would accomplish the same purpose. However, Mr. Anderson wrote a letter expressing his views and expressing the same objections that he had, not to the bill in terms of its merits, but as to the necessity of the bill. But the Committee, nonetheless, felt that it probably would provide a simpler, more expeditious procedure. The bill was also supported by Mr. Hubert S. O'Neil, Legislative Agent of the American Legion of New Hampshire. Thus, the report comes to you ought to pass.

Adopted. Ordered to Third Reading.

HB 34

permitting appeals from municipal and district courts in neglected children matters. Ought to pass. Sen. Nixon for Juliciary.

Sen. NIXON: HB 34 was sponsored by Rep. Nighswander of Laconia. In cases where there are hearings in municipal and district courts on the issue of neglected children if there is a finding of no neglect on the part of the parents or other responsible adults who are defendants in the proceeding, the State, acting on behalf of the child claimed to have been neglected, which includes, for instance, physical beatings, failure to feed, failure to clothe, etc., can appeal the innocent finding or not guilty finding to the superior court for a new trial of the facts. At the present time, the theory and suggestion by the sponsor who appeared and also Attorney John Pappas of the Attorney General's Office and the New Hampshire Welfare Department appeared, is there seems to be some doubt in the law as to whether, when a case is taken to court municipal or district court and the parents are found, even after a hearing about a child having been beaten, if the court which might be tending to side with the

parents finds the parents not guilty then that is the end of the case. One instance was cited where two children had been badly beaten by the parents in question. Nonetheless, there was a not guilty finding and the State did not have the right of appeal, it was ruled by the court, because there is a question in the law and, as a result, the children were beaten again very, very badly before any further proceedings could be instituted. It only pertains in neglected child cases, not in delinquency, or criminal cases or anything like that. This right of appeal by the State in the name of the neglected children, or allegedly neglected children would pertain.

Adopted. Ordered to Third Reading.

HB 10

state aid for sewage disposal facilities. Ought to pass. Sen. Porter for Resources & Environmental Control.

Sen. PORTER: HB 10 was introduced by Rep. Claflin on behalf of the Water Supply and Polution Control Commission. The bill briefly is very simple. It adds one sentence at the end of the existing statute which says that "nothing contained in this chapter shall be construed to entitle municipalities to receive a combination of federal, state or other financial assistance in excess of 95%" etc.

What is expected here is the federal share of sewage treatment facilities would be expected to rise and, the way the current statute reads, conceivably communities would not be required to put in any part so this last sentence indicates they will always put in at least their 5% for the sewage treatment facilities.

Sen. MORRISSETTE: I understood the Governor to state last year he was in favor of complete funding of these treatment facilities here. If the federal government should find themselves so generous as to say they would fund better than 50%, why should the local communities have to pay, especially in view of the fact they have very little control over the facilities other than paying for it after they have been installed?

Sen. PORTER: At the present time, the share is 55% federal; 40% state and 5% municipal. If the federal is changed and the state share does not change, conceivably the share given will be greater than 100% of the total cost. This just provides the flexibility to be able to adjust the state share to always allow that

the municipality give 5%. It has not been changed that the state will take over and pay the entire share. So until, or if that ever happens, that 5% would be eliminated; but, at the present time, they are still required to pay for it.

Sen. MORRISSETTE: If the State doesn't change the law, then it is possible under certain circumstances where they could pay for a complete treatment plant? Right?

Sen. PORTER: In the future if the Legislature decides the State could pay the entire cost of a sewage treatment, they could change the law. Certainly.

Sen. MORRISSETTE: After the plants have been installed, then the maintenance and the keep and all expenses relative to it from that moment on, is that paid by the local community?

Sen. PORTER: I believe it is generally.

Sen. MORRISSETTE: 100%?

Sen. PORTER: As far as I know.

Sen. MORRISSETTE: How about controls? Does the state have any control after it has been built?

Sen. PORTER: I don't know of any control over any existing facilities today.

Sen. FERDINANDO: Do I understand correctly that the existing law says the local municipalities have to contribute 5%?

Sen. PORTER: That is correct.

Sen. FERDINANDO: This is in the existing law and what this amendment says is that the local municipalities will have to continue to contribute at least 5%? I am just wondering is it necessary for the municipalities to have to contribute anything at this point. What are your feelings on this?

Sen. PORTER: As I understand your question — why doesn't the state contribute the full 45% and federal 55%. Is that your question?

Sen. FERDINANDO: What would be wrong with that?

Sen. PORTER: If you would be kind enough to insure

where we can procure that extra 5% of the cost, I would be delighted to entertain the motion.

Sen. KOROMILAS: The only new language that is in this particular bill — and I take it that your Committee has not changed it, nor has the House committee changed it — is in the first section of the bill: "nothing contained in this chapter shall be construed to entitle municipalities to receive a combination of federal, state or other financial assistance in excess of 95% of construction." Is that correct?

Sen. PORTER: That is what the bill states and the Committee did not change it.

Sen. KOROMILAS: I am asking now with specific reference to the words: "or other financial assistance" in that same new language. To what does that refer?

Sen. PORTER: I think that might refer to possibly a gift or grant from a local community. It could possibly be a block grant perhaps from the Environmental Protection Agency conceivably.

Sen. KOROMILAS: If the city or town received that other financial assistance, this law would require that under all circumstances the city or town would have to pay 5%.

Sen. PORTER: I believe in that situation they would still pay 5%.

Sen. KOROMILAS: That is even though a local citizen or some organization be it not government did want to contribute something toward that city or town's sewage problem — a private individual.

Sen. PORTER: I would interpret it that way, yes.

Sen. Koromilas moved HB 10 be made a Special Order of Business for Thursday, March 9, at 1:01 p.m.

Sen. KOROMILAS: The only reason I raise this issue and why I presented the Motion is because I cannot conceive if a private individual or someone who wanted to benefit a town or city and wanted to actually contribute toward a sewage disposal facility, I don't think that this type of bill would actually cause any person to want to give something to the city or town. That is the only reason I am asking for the Special Order. There

is no great rush in this. It takes effect 60 days after its passage. I would like to talk with the Chairman of the Committee in the interim.

Sen. PORTER: Is it your understanding then that 5% of the city's or town's share cannot come from internal gifts to the town within the town? In other words, my understanding is that if a person wishes to donate money to the town and that town then takes that donation and uses it as their 5%, that is perfectly acceptable. It is not necessary to change the wording of the bill. Would you agree that would not be a satisfactory solution to what you suggest?

Sen. KOROMILAS: Let me say this with respect to your inquiry. I read it in a different sort of way than you do and that is the reason I am asking for the Special Order.

Adopted.

HB 9

authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible. Ought to pass. Sen. English for Education.

Sen. ENGLISH: HB 9 authorizes the Technical Institute and Vocational-Technical Colleges to seek accreditation with the regional accrediting association and within available appropriations.

Sen. Jacobson moved adoption of the following amendment.

AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Limitation. Amend RSA 188-A:1 by inserting at the end thereof the following: (Nothing in this chapter shall be deemed to or shall permit or authorize the state board of education to establish any so-called "Junior College" or junior college program in the state or to seek or have any technical institute or vocational-technical college accredited as a junior college.) so that said section as amended shall read as follows: 188-A:1 Declaration of Purpose. It is hereby declared to be the policy of the state of New Hampshire to provide within its ability to finance facilities for the preparation of youth and adults for productive

employment as technicians and skilled workers to the extent necessary for the continuation and promotion of the general economy of the state. Nothing in this chapter shall be deemed to or shall permit or authorize the state board of education to establish any so-called "Junior College" or junior college program in the state or to seek or have any technical institute or vocational-technical college accredited as a junior college.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. JACOBSON: As you know, I am a member of the Commission to Study Higher Education in this State and, in the process of attending these meetings, I have become aware of what I might call a power struggle between the Trustees of the University of New Hampshire and the State Board of Education with regard to associate degree programs. The possibility of instituting these on a very strong statewide basis would be a matter of tremendous concern from the point of view of appropriation.

The present chapter with regard to technical institutes, or I should really call them technical colleges today, says the declaration of purpose is its ability to finance facilities for the preparation of youth and adults for productive employment as technicians and skilled workers. So that there is nothing in this that effectively prevents establishment of a junior college system at this present time. I think that the Legislature would want to have the opportunity to make that kind of a decision. There have been bills that have been in before and they have not been accepted; but, with this kind of general power, there remains the possibility, particularly if one group wants to get ahead of another group, of putting in a junior college system, as it were, by default. HB 9 allows for the possibility of accreditation. Along with the accreditation then could come a junior college system so that my amendment simply adds these words to the general declaration of purpose, "nothing in this chapter shall be deemed to or shall permit or authorize the state board of education to establish any so-called 'Junior College' or junior college program in the state or to seek or have any technical institute or vocational-technical college accredited as a junior college." That is what my amendment does to the declaration of general purpose.

Sen. MORRISSETTE: I am quite concerned and inter-

ested in this bill. I don't quite understand your amendment. Are you basically opposed to giving some kind of an associate degree from a technical college? Is that what the amendment is seeking to do?

Sen. JACOBSON: No. I am 100% behind technical colleges or institutes. I am concerned about establishing a statewide junior college system *de facto* without having legislative authorization.

Sen. NIXON: Isn't it true, Sen. Jacobson, if we adopt your amendment we, in effect, kill the bill for practical purposes?

Sen. JACOBSON: No. This adds a second section to the bill.

Sen. NIXON: The second section would, in effect, negate the first section in the sense that it would set up some requirements that are not involved in the first section which it would be impossible to meet without meeting some additional requirements?

Sen. JACOBSON: If I understand your remarks, then my amendment is extremely important because if the intention of HB 9 is to establish through an accreditation program a junior college program in New Hampshire, then we are dealing with a program that is multi-million dollars.

Sen. NIXON: Was the amendment you now propose presented to the Senate Committee or House Committee which heard HB 9?

Sen. JACOBSON: No, it was not. The history of this came about — I am a member of this Higher Education Commission and we had a meeting with officials last Friday. Out of those discussions and the relationship of this bill to the general statute, it was conceived. So, it did not have any committee consideration, but I had spoken to the Chairman previous to its introduction.

Sen. NIXON: Are there people or agencies or departments in this state who, to your knowledge, desire to utilize the accreditation statutes for purposes of establishing junior colleges without express statutory authorization?

Sen. JACOBSON: I don't know.

Sen. NIXON: In the absence then of any knowledge that any such movement exists or is apt to exist, there doesn't appear to be any reason or need for your amendment. Is that true?

Sen. JACOBSON: It is the old adage you may want to close the barn before the horse is stolen.

Sen. KOROMILAS: What you are saying is if your amendment becomes a part of this bill and is passed that no one can ever do this — bring in the junior college concept — without coming back to the Legislature?

Sen. JACOBSON: If this amendment is adopted, it would require legislative approval for a junior college system.

Sen. ENGLISH: I did not know of this amendment until it was brought to my attention early this morning. But I do not see that this amendment does any harm to the purposes for which this bill is designed. Further, there are, if you want to use your imagination and without definite knowledge from any source, strong groups in the State who would like to set up a junior college system. While some of you may have forgotten it, I had my name, along with Sen. Foley, on a bill some sessions back to establish a junior college system. I am not opposed to a junior college system, but I do feel that this offers a possibility of our being confronted with having one sort of grow up without our blessing. I don't see that the amendment does any harm. I have no qualms at all about it passing the House. There is nothing here, so far as I know, that would disturb anyone at all. It simply, in my opinion, makes it clear that the Senate feels if there is to be a junior college system, we study the matter and make our vote known at the time the proposal is brought before us.

Amendment Adopted. Ordered to Third Reading.

Sen. Spanos moved that the Senate do now adjourn from the Early Session and that on third reading, all bills be read by title only, and that when the Senate adjourns, it be until Thursday, March 9, at 1 o'clock.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 8, authorizing the department of education to apply

for and expend federal funds available for technician and vocational-technical training programs.

HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible.

HB 14, relating to the exclusive civil jurisdiction in district courts.

HB 19, authorizing Nathaniel Hawthorne College to grant baccalaureate degrees.

HB 25, establishing procedure for authorizing action by the spouse or next of kin of prisoners of war or persons missing in action.

HB 34, permitting appeals from municipal and district courts in neglected children matters.

Adopted.

RECONSIDERATION

Sen. Jacobson moved Reconsideration of HB 9.

Motion Lost.

RECESS

AFTER RECESS

ENROLLED BILLS REPORT

HB 8, authorizing the department of education to apply for and expend federal funds available for technician and vocational-technical training programs.

HB 14, relating to the exclusive civil jurisdiction in district courts.

HB 15, legalizing certain town meetings in the towns of Auburn, Farmington and Newington and certain votes and proceedings of the planning board of the town of Newington.

HB 19, authorizing Nathaniel Hawthorne College to grant baccalaureate degrees.

HB 25, establishing procedure for authorizing action by the spouse or next of kin of prisoners of war or persons missing in action.

HB 34, permitting appeals from municipal and district courts in neglected children matters.

HB 35, permitting the town of Durham to change from a calendar year to a fiscal year accounting period, and providing for the dates and manner of collecting taxes in the transitional period.

SB 13, permitting minors to receive certain medical treatment without parental consent.

Sen. Ferdinando
For the Committee

Adopted.

RECESS

AFTER RECESS

Sen. Brown moved the Senate adjourn at 5:05 p.m.
Adopted.

Thursday
9Mar72

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by Senate Chaplain, Rev. William L. Shafer.

O Thou eternal Spirit, source of life and love, of wisdom, power, goodness and holiness; we know that Thou hast rest for the tired, guidance for the perplexed, strength for the tempted, love for the lonely. Give us now, we pray Thee, Thy rest, Thy guidance, Thy strength, Thy love, through Jesus Christ our Lord. Amen.

Pledge of Allegiance was led by Sen. Foley.

COMMITTEE REPORTS

HB 39
relative to landlord and tenant rights. Judiciary Committee.

Sen. Nixon moved HB 39 be reported ought to pass.

Sen. NIXON: The reason for my having made the Motion is that HB 39 comes into this body from the Judiciary Committee without recommendation one way or the other. We met in Executive Session last week and there were four senators in favor of this bill being reported ought to pass and there were four senators who were in favor of amending the bill. The Committee unanimously felt the bill should be passed in some form or other. Thus the reason for my Motion since I was among those who favored passage of the bill without amendment.

As to the bill itself, you may recall during the regular session Senator Foley sponsored a bill having to do with providing clearer and better defined provisions for landlords and tenants in respect to their rights and obligations to each other on a relatively comprehensive basis. This body passed Sen. Foley's bill in amended form and it went to the House where it was shouted down in one of the closing days of the session. HB 39 also attempts to alleviate a particular inequity felt to exist or to be allowed under present laws. Not at all is it a comprehensive attempt to straighten out problems in respect to landlord-tenant situations. HB 39, sponsored by Rep. Merrill of Lebanon, directs itself to one particular situation and that is solely where a tenant has reason to complain because of a defect in the premises that he inhabits with his family such as no plumbing, no heat, dangerous fire conditions, etc. which violates a code or some basic health provision or something and he complains accordingly to the appropriate municipal authority, I would assume in almost every instance after having failed in his attempt to get the landlord to correct the situation. And, as a result of his complaining to the appropriate municipal authority or agency or other governmental authority or agency, the experience has been in many such situations that he is promptly met with eviction proceedings. Under the present law, a landlord does not have to have any reason whatsoever for evicting a tenant-at-will — a tenant-at-will being a tenant who does not have a written lease giving him a specified period of time in which he is entitled to have the premises. A tenant-at-will, in effect, resides in his apartment at the will of the landlord. Even if he is up to date in his rent, even if he has no dogs or children, even if he keeps his apartment spic and span, even if he does not cause any trouble, under our present law, a landlord can evict

him on a summary process basis — 9 days eviction notice followed by a 9 day notice of landlord and tenant proceeding and the tenant is out. Now, this is not to say there aren't bad tenants who cause landlords problems. But this bill, as I said before, is directed only and specifically and exclusively to the problem which is found to exist in New Hampshire at the present time to a disturbing extent and that is where a landlord immediately commences eviction proceedings solely or principally on account of a tenant having complained to the appropriate health or building code or electrical agency of the city or municipality where they reside about some defect in the apartment which the landlord has failed or neglected to repair.

What the bill does is provide only that if a tenant does make such a complaint and the landlord retaliates with eviction proceedings it is a defense on behalf of the tenant to the eviction proceedings if he can show to the satisfaction of the judge presiding in the local district or municipal court that, in fact, the eviction proceedings did rise out of a retaliatory motive rather than one that had to do with some meritorious one such as failure to pay rent, or maltreatment of the apartment, etc. The tenant, in order to raise this defense to any degree successfully, must show that at the time he notified the appropriate agency of the defect complained of, he also orally told the landlord or mailed or gave him in hand the same notice so that he would have an opportunity to correct it.

It further provides that any possessory action enacted or instituted by a landlord within 3 months after the receipt by the landlord of notice of any such alleged violation is presumed to be retaliatory unless the landlord can overcome a rebuttable presumption to that effect.

The court, when it is presented with one of these problems, has in its discretion the right to give the landlord immediate judgment and immediate possession but stay the possessiion for a period not longer than 3 months if, under the circumstances, it feels that would be equitable. It cannot stay the landlord's right to kick out the tenant in any situation involving non-payment of rent. We are not here involved with affecting the non-payment of rent situation. Those people will get kicked out summarily, as they now are. Only in those situations where the court finds that the equity of the parties and situation dictate can it stay the eviction period for any period of time and the longest it can hold the apartment for the tenant is 3 months.

I will not speak as to the merits of the amendment. I would say only that because of the fact that this legislation in the form that it comes to us had a very difficult time in the House, passing — according to one informant — by two votes after a Division or a Roll Call or something, it has been reliably suggested that if the bill is amended in any form by the Senate and goes back to the House, it will suffer the same fate as Sen. Foley's admirable bill suffered last session — it will be killed.

Sen. FERDINANDO: The way it appears this bill is drafted, a tenant could turn around and say "this fireplace hasn't been corrected" or "the structure isn't according to the codes of the city or town." Now, would this not be a tool the tenant could turn around and use the way the bill is drafted now as a method of getting back at the landlord?

Sen. NIXON: I do not believe so. This is not to say that I think everybody in the world is 100% honest all of the time. The bill does not prohibit the landlord from evicting unless the court finds after the hearing, which I assume everybody would agree would pertain, that the purpose of the eviction was primarily to retaliate. Those are the words of the bill. If the court finds that the tenant's motive was primarily intended to prevent an eviction, his defense falls. If the court finds that the landlord has reasonable cause for instituting the eviction proceedings, then the defense claimed by the tenant would not be sustained. In the third place, in order for what you say to be so, tenants would have to file complaints without even having any anticipation of being evicted to protect their rear guard so to speak.

What I am saying is that in the sequence of events that this bill attempts to reach, the complaint by the tenant must necessarily occur first and then the eviction proceedings. There is no way that this bill or the existing law would call for the defeat of an eviction proceeding because a complaint was made to an authority *after* the eviction proceeding was instituted.

Sen. SPANOS: I understand that the Mobile Home Association favors this bill in its present form. Did anyone appear from that Association?

Sen. NIXON: I do not recall anyone who so identified themself. I might say that the bill did originate from a problem

involving a mobile home park in Lebanon where an owner of a mobile home there made a complaint to the authorities and was evicted. As a result, Lebanon adopted an ordinance which prohibits that in that situation.

Sen. Koromilas moved adoption of the amendment printed on pages 8 and 9 of today's *Calendar.*

Sen. KOROMILAS: This amendment is very limited. The Committee, as a whole, agrees with the purpose of this bill. The real difference between what Sen. Nixon just said and what 4 members of the Judiciary Committee are saying is that we are going to change one thing, and one thing only, and that is to require *written* notice by the tenant to the landlord that something is wrong with the plumbing or what have you. In other words, written notice has to be given. We all know that in our jurisprudence, notice is very important. If a tenant goes into court he has to prove the first thing and that is notice. If it is merely oral, the entire proceeding could revolve around the question as to whether notice was or was not given.

What this amendment does is *require* that the landlord get *written* notice of what is wrong when a complaint has been made. It would be superfluous for a bill of this sort to have the courts decide really whether a notice had or had not been given. The landlord goes in and says, "I never had a notice"; the tenant says, "Oh yes, I told you the other day." And this is the type of thing that this amendment is trying to do. It is trying to avoid that problem in a court of law where both sides, in order to avail himself of this defense, must show that notice has been given. That is all this amendment does. Nothing more and nothing less.

The 4 members of the Judiciary Committee felt that if a landlord is going to be in a position of having a defense asserted against him, he must have notice in writing. This is the important thing. It seems to me that the only reason why the other 4 members of the Committee did not agree with this amendment is merely because the House may not go for it. That is the only reason why we have a split report. There is a strong feeling on the part of some members that if this written notice provision goes into the bill as an amendment, then the House will kill it. Well, I always felt that this side of the chamber was an independent chamber, made up its own mind and was not told

that if you don't do it our way then you will not get it. I say there isn't one person on this side of the house or the other side who can say with certainty what is going to happen on the other side. If we feel there is something wrong with a bill, we should amend it and not say that, if we do amend it, it is going to get killed on the other side. Once you do that, it seems to me, you give up your right as a Senate to decide what is good for the people of New Hampshire in this particular area. To say that we will take what the House says as gospel is almost anathema.

Sen. NIXON: Doesn't your argument in support of your amendment at least infer, if not depend for its validity on, a situation arising where a tenant complains to an authority without even telling his landlord about the problem?

Sen. KOROMILAS: That is possible.

Sen. NIXON: Do you actually conceive that in the everyday working, living conditions that tenants and landlords live under, a tenant, without even attempting to get his landlord to repair whatever the problem was, would file a formal complaint to an authority?

Sen. KOROMILAS: That is possible.

Sen. NIXON: Is it not more probable that a tenant, in such a situation, would ask a landlord to fix the thing before he started trying to find out if he could file a complaint with a city or town authority?

Sen. KOROMILAS: I think it depends on the type of tenant.

Sen. NIXON: As I understood the merits of your argument in support of your amendment, your concern is in relation to the matter of proving whether a landlord had been given advance notice of the problem and probably thus an opportunity to repair the defect before the defense was raised against him in the eviction proceeding. Is that so? The matter of proof was your concern?

Sen. KOROMILAS: Yes.

Sen. NIXON: Isn't it also true that, even with your amendment a tenant who was as nefarious as to lie about whether notice had been given to the landlord could also lie about whether he gave in hand to the landlord notice of the complaint or left

at the abode of the landlord a written notice of the complaint and thus defeat the proof situation anyhow, even if we amend the bill in accordance with your suggestion?

Sen. KOROMILAS: No, I don't think that. I think with respect to the actual language it says "by mail." That is one requirement. Two is to "give in hand" and also "leave at the abode" of the landlord. I haven't changed that aspect at all. I am giving the tenant the right not only to give something in writing, but also to leave at his abode and also to give in hand.

Sen. NIXON: But, if our concern as you suggest should be that a landlord in court who has attempted to evict somebody is met with a defense that the eviction was because a notice has been given to the authorities and he raises the issue that he was not given the notice and the tenant says, "I told him about it," couldn't that same tenant, even if we adopted your amendment, just as well say, "I gave him a copy of the notice" or "I left it at his abode" and thus defeat the problem you think your amendment solves?

Sen. KOROMILAS: I think you are aware that I felt there should be some kind of certified mail situation rather than a written situation.

Sen. NIXON: Would I be fair in assuming that you would rather have a bill, without the amendment, enacted for the benefit of the tenants in these unfair situations than leave the law the way it is now and have the bill killed altogether?

Sen. KOROMILAS: No. I think you assume, and I think improperly, that the House will not pass it if we amend it as it should be amended.

Sen. MORRISSETTE: Wouldn't you agree that it would be somewhat just that the landlord should at least have the courtesy of a written notice? Hopefully a letter — something in writing, not verbal. Even hand delivered is quite lax.

Sen. JACOBSON: Sen. Koromilas, do you know of any instances in jurisprudence and judicial proceedings where oral notice is a valid notice?

Sen. KOROMILAS: I would say this, in our jurisdiction so far as the court is concerned, every time a Writ is brought against a person, that person has to have notice in writing, not

by a telephone call or by someone saying I am going to sue you.

Sen. JACOBSON: Why do you think that has been established?

Sen. KOROMILAS: To give the landlord the right, the opportunity to do something with respect to what is wrong with the house.

Sen. Ferdinado moved that HB 39 be referred to the Joint House and Senate Judiciary Committee for further study.

Sen. FERDINADO: I think HB 39 is a very serious bill and there seems to be some confusion among members of the Committee. It appears to me that there are provisions in this bill that could allow a tenant to utilize the safety feature in here to get back at a landlord by reporting him, whether he has written notice or without written notice and it seems the kind of bill that has a serious effect on the landlord's rights in the State of New Hampshire that we ought to have more study.

Sen. KOROMILAS: I oppose the pending Motion. I think the only issue here is whether the landlord should get a written notice or not. I think the Committee — the other 4 members, at least as I read it, were in favor of the bill except for the requirement that the bill specify this should be in writing. The 4 members of the Judiciary Committee are not opposed to this bill. All they want to do is to make it fair to the landlord. The other 4 members are not opposed to the bill in principle. They only wanted to amend it and that amendment is to require notice to the landlord in writing. That is the only difference and the whole purpose of this debate. That is the only issue— whether we should change from an oral notice to a written notice.

Sen. SPANOS: I am very happy to hear Sen. Koromilas oppose the Motion to refer this to the Joint Committee for further study because I think he is well aware of the merits of this measure. And he knows that the Motion being offered by Sen. Ferdinando is no more than an attempt to kill the measure for this session.

I rise in opposition to the Motion offered by Sen. Ferdinando and in favor of the Motion as offered by Sen. Nixon. I do this not unmindful of the point which has been brought up by Sen. Koromilas relative to amending this from oral to written.

Having just a little bit of experience in the area of landlord and tenant evictions and hearings, I must say that the compelling reason for my support of this measure is the fact that, in litigation in matters involving the landlord and tenant before the district courts and before the municipal courts, the issue of whether or not notice was given — whether it was written or not — is a matter which takes up some of the time of the court. As Sen. Nixon has indicated, written notice may have been given by the tenant or by the landlord and then the other person will come back into the court and say, "I didn't get it." So I don't believe you are avoiding the issue that Sen. Koromilas is attempting to avoid. And that is the main reason I am supporting this measure.

Sen. LAMONTAGNE: I think that the true picture has not been presented here today. I think the main problem is with those who own mobile homes and are in a trailer park. Perhaps the landlord does not comply with some regulation and they complain to some authority and it has caused some of these people to be evicted from these trailer parks. As you know, we have some cities and towns that will not allow trailer parks. Some of them are controlled by zoning regulations and when these people are evicted, they are faced with the problem of not having a place to go. This is one reason why I will vote against this Motion and vote with the Senator from the 9th District.

Sen. MORRISSETTE: I am against the Motion because I feel the time is right. I agree with the bill although I feel that the matter of notice is extremely important. I think it would be extremely unjust not to give notification to the landlord and give him an opportunity to correct the violation. That's the only part of the bill that is not good. The rest is a good bill and I am against the present Motion because I think we are ready to act on this bill.

Sen. LEONARD: I rise in opposition to the Motion. This matter was discussed by the Judiciary Committee in Executive Session. I think I am safe in saying that all 8 members were present and all 8 were for the bill. Sen. Koromilas brought up this amendment. I firmly believe that if this amendment is passed — it is just putting the word "written" before "notice" — it would not hurt anything in the House. I think in the matter of proof, nothing is perfect; but, if it is in writing, it simplifies the proceeding when they get into court so much that I think it is worthwhile to put it in now.

Sen. KOROMILAS: Sen. Spanos, is there a difference between a written and oral notice?

Sen. SPANOS: No question about it. One is in writing and one is the spoken word.

Sen. KOROMILAS: Isn't there such a statute of fraud that we are aware of that in some instances requires writing otherwise it cannot be introduced?

Sen. SPANOS: That is correct.

Sen. NIXON: Sen. Spanos, isn't it also true that whether the requirement in the law is that the notice be written or oral has little, if anything, to do with the problem of proving whether the notice was given when you are in court because you have to prove that written notice was given just as well as you might have to prove that oral notice was given?

Sen. SPANOS: The answer is yes.

Sen. JACOBSON: In order to reduce the litigation quality in these suits, would you not think that maybe we might make it stronger and have certified and registered mail as long as we are adding an amendment?

Sen. SPANOS: Whether you use mail or whether you use a written delivery or what have you, you still have the problem.

Sen. JACOBSON: However, when it is certified mail and/or registered, there are signatures involved?

Sen. SPANOS: There are. But it well may be someone else who is not even a member of the household. It may even be a tenant in the house. I have seen the post office leave mail with people who are there and not necessarily the landlord.

Sen. JACOBSON: In the events you describe, the court has the power of subpoena to settle the issue do they not?

Sen. SPANOS: Yes.

Sen. McCARTHY: Half an hour ago, I mentioned to Sen. Morrissette that the amendment seemed harmless enough. After listening to the debate, I certainly agree. As sincere as you are, I don't think that amendment proves a thing. I don't think it accomplishes what you are really trying to do. I am really petrified to hear talk about certified copies, etc. because I think these are the kind of people who don't have a paid staff

or secretaries to make copies and I think that we need this piece of legislation right now without the amendment.

(Sen. Porter in Chair)

Question on Motion of Sen. Ferdinando.
Motion lost.

Question on Motion of Sen. Koromilas on adoption of amendment.

ROLL CALL

Requested by Sen. Spanos. Seconded by Sen. Koromilas.

Yeas: Sens. Jacobson, Leonard, Ferdinando, Morrissette, Brown, Marcotte, Koromilas, Downing and Tufts.

Nays: Sens. Lamontagne, Poulsen, S. Smith, Snell, Townsend, Gardner, Spanos, Nixon, English, McCarthy, Provost and Foley.

Result: Nine Senators having voted in the affirmative and Twelve having voted in the negative, the Motion lost.

Question on Motion of Sen. Nixon HB 39 ought to pass.

ROLL CALL

Requested by Sen. Leonard. Seconded by Sen. Nixon.

Yeas: Sens. Lamontagne, Poulsen, S. Smith, Snell, Townsend, Gardner, Jacobson, Spanos, Nixon, English, Porter, Leonard, Ferdinando, Morrissette, McCarthy, Provost, Brown, Marcotte, Koromilas, Downing, Tufts and Foley.

Result: Twenty-two Senators having voted in the affirmative and none having voted in the negative, the Report was adopted.
Ordered to Third Reading.

HB 65
requiring filing of social security numbers with department of probation. Ought to pass. Sen. Nixon for Judiciary.

Sen. NIXON: This bill was sponsored by Speaker Cobleigh and its purpose is to assist the N. H. Probation Department in collecting child support and alimony payments from recalcitrant husbands, fathers and ex-husbands. It provides merely that in

all cases for divorce, nullity or separation in which the court makes a temporary or final order or decree for payment of support or alimony through the Probation Department, the order or the decree shall require the parties to furnish their social security numbers to the Department of Probation.

The problem is that there are times that fathers skip the state and are impossible to find and it is thought that, if their social security number was on the record in the Probation Department, they might more easily be found. To the extent that fathers and ex-husbands can be compelled to honor their legal obligation to support their children and ex-wives as required by court order, we save money on welfare because these people who are dependent must be fed and clothed from some source. Anything we can do to reduce or cut down the spiraling cost of welfare for dependent children through forcing their fathers to support them as required by law, I think we should do and this bill is thought, at least in a small way, to assist in requiring fathers to honor their support obligations.

Adopted. Ordered to Third Reading.

HB 77

relative to the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature. Ought to pass. Sen. Nixon for Judiciary.

Sen. NIXON: HB 77 was sponsored by Rep. Zachos at the request of Attorney General Warren Rudman. The purpose of this bill is to stiffen up, tighten, and place more restrictions on the parole laws in those cases involving murders that are psycho-sexual in nature. What it does is prohibit the release on parole of a person convicted of murder in the first degree involving psycho-sexual circumstances until there has been a hearing in the superior court at which the Attorney General would be notified to appear and introduce any testimony he thought germane on the subject.

In addition, it lengthens the required minimal sentence for life offenders in psycho-sexual murder cases beyond what the minimal sentence is for life offenders in murder cases generally from a minimum of 18 years, which means in effect eligibility for parole in 11 years 3 months, to a minimum of 22 plus years. Those are the provisions of the bill. It is thought it will help prevent premature release of convicted murderers in psycho-

sexual circumstances and thus the Committee unanimously recommends that it be passed.

Adopted. Ordered to Third Reading.

(Sen. President in Chair)

HB 12

relative to insurance on state owned pressure vessels. Ought to pass with amendment. Sen. Poulsen for Public Works & Transportation.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

relative to insurance of state owned pressure vessels, and examination of licenses.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Examination of Licenses. Amend RSA 261:23-a (supp) as inserted by 1971, 122:1 by striking out said section and inserting in place thereof the following: 261:23-a Examination of Licenses. No person charged with a violation of RSA 261:23 for failure to have an operators' license on his person or in the vehicle shall be convicted if, within a period of forty-eight hours, he produces in the office of the arresting officer evidence that he held a valid license which was in effect at the time of his arrest.

3 Effective Date. This act shall take effect upon its passage.

Sen. POULSEN: This bill allows pressure vessels owned by the State to be insured the same as steam boilers. Up to now steam boilers could be insured but these pressure vessels could not. The State has no method of inspecting them; there are only two inspectors. By having them insured, we are furnished inspection by the insurance companies. The cost would not be great and would be borne by the different possessors of these steam vessels — the University, the schools, etc. Mostly, they are sterilizers and laboratory equipment.

The amendment to this bill straightens out a problem that

existed in a bill passed last year which exempted a driver from not having his license with him at the time he was stopped by the police and it also included registration which it should not have included. This amendment would put back the registration so that a man has to have the registration in the car but he does have 48 hours in which to produce his driver's license.

Sen. LAMONTAGNE: Last session when I introduced a bill allowing 48 hours to produce an operator's license, I did not intend to include the registration. The registration should not be in your pocketbook. It should be in the glove compartment of your car. This has been a problem, especially for some of the inspection stations when they find the registration is not in the car. The only thing the amendment does is take the registration out of the law which we passed in 1971 so that the registration will go where it belongs — in the glove compartment of the car.

Sen. KOROMILAS: Your bill last session covered both the registration and the license, is that correct?

Sen. LAMONTAGNE: The original bill was for the operator's license and somehow registration got into it too. But that was not my original intention.

Sen. KOROMILAS: Don't you think that the bill which was passed was a good one and should not be changed with respect to registration?

Sen. LAMONTAGNE: Registration is of great importance and it should be in the car. A license is a different thing.

Sen. KOROMILAS: Was there any requirement in the law before your bill of last session came into effect that the registration be in the glove compartment of the car?

Sen. LAMONTAGNE: No, it was not required.

Sen. KOROMILAS: Do you think that this is causing some problem today — the fact that a person has 48 hours to come forward with his registration?

Sen. LAMONTAGNE: Right now, there are some times when a car is loaned and the car is stopped and the registration is not in the compartment. This has been happening.

Sen. JACOBSON: The present statute as it stands now allows a person 48 hours in which to produce the registration?

Sen. LAMONTAGNE: That is true.

Sen. JACOBSON: If we strike out the registration, what is the legal status with respect to the registration?

Sen. LAMONTAGNE: The registration would come under regulation from the Director of Motor Vehicles that it would be put into the glove compartment.

Sen. JACOBSON: In other words, if it isn't in the car at a given moment, he would be convicted of not having a registered automobile if this should pass?

Sen. LAMONTAGNE: Yes.

Sen. ENGLISH: If the registration is in the glove compartment and the car is stolen or otherwise being improperly used, it means that the person who has stolen the car or is improperly using it has the registration with them. Isn't that important? It seems to me that is not a very safe place to keep it.

Sen. LAMONTAGNE: If the car is stolen, I don't think it would make any difference. But the thing is, suppose there is a check and you had borrowed a car and did not have the registration, they would not know whether or not the car had been stolen. If the law says that the registration has to be in the glove compartment, then the registration is with the car. Therefore, it gives the officer the opportunity to check whether the person owns the car or not.

Sen. LEONARD: Don't you think in the average case where a person does not have the registration with them that it is better to give him a little time to produce the registration rather than taking them to court and convicting them and then having them bring in the registration later?

Sen. LAMONTAGNE: Personally, I would say that if the registration is put into the glove compartment there is nothing in the law that says they would be fined in the first place. I do not believe they would be taken to court. They may be given some time and this can also be done by regulation.

Sen. LEONARD: Isn't that the way the law is now — that they have 48 hours.

Sen. LAMONTAGNE: Now they have. But the problem is that people are carrying the registration in their pocketbook and the Director of Motor Vehicles cannot issue a regulation

to put the registration in the glove compartment. That is the problem.

Sen. MORRISSETTE: Do you think it is fair to bring the owner of a small business into court because he doesn't even know the registration has been lost or left at the last inspection station. Don't you think it is right to give him a little bit of time to get the registration?

Sen. LAMONTAGNE: I don't want to see anybody go into court for a registration.

Sen. MORRISSETTE: You had a good bill. Why don't you leave it as is?

Sen. JACOBSON: I rise in opposition to the amendment. I think the present statute is relatively reasonable in which a person will have 48 hours in which to produce his license. There are circumstances, as several senators have indicated, where the registration for some reason may not be available at that particular moment when you happen to be stopped by the State Police or other enforcement agencies. The allowance of a reasonable time to provide proof that you have registration as well as a driver's license seems to me to be a reasonable matter.

Sen. POULSEN: How do you estimate that the police would proceed if they stopped a car, there was no registration and there was no report of a stolen car because the owner did not know it was stolen? They would have to let the car go, and the driver go and lose the chance to arrest and pick up a stolen car would they not?

Sen. JACOBSON: If there was no report of a stolen car and the individual produced a registration they would still let him go.

Sen. S. Smith moved that HB 12 be made a special order of business for 1:01 p.m. tomorrow.

Adopted.

HB 45

authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved. Ought to pass with amendment. Sen. Poulsen for Public Works & Transportation.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act
authorizing payment of relocation assistance in eminent domain takings in which federal funds are involved and relative to New Hampshire Distributing Agency.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Informational Projects Relating to Commodity Distributions. Amend RSA 8-A:6, as inserted by 1957, 284:1, by adding at the end thereof the following new sentence (The director may participate and cooperate in informational projects relating to distributions made by the agency.) so that said section as amended shall read as follows: 8-A:6 Duties. Subject to the supervision of the comptroller the director shall organize and supervise the office staff of the agency; shall request, transport, receive, warehouse, allocate, enforce compliance and deliver where deemed expedient any federal surpluses made available to the state by the federal government. The director is authorized subject to the approval of the comptroller to execute all contracts, agreements, leases, or other documents necessary for the operation of the agency in accordance with the regulations and directives of the federal government. The director may participate and cooperate in informational projects relating to distributions made by the agency.

3 Regulations Governing Receipt of Commodity Distributions. Amend RSA 8-A by inserting after section 6 the following new sections:

8-A:6-a Regulations. The director is authorized subject to the approval of the comptroller, to promulgate regulations governing qualification, continuing eligibility and disqualification of recipients to receive commodities distributed by the agency and procedures for determining the same. Such regulations shall comply with requirements, if any, established by the department, division or agency of the United States which is the source of the commodities. At least thirty days before promulgating such regulations, the director shall furnish the proposed text of the same to each recipient agency and to any other person or organization requesting notice. The director shall receive

and consider comments and suggestions relative to the proposed regulations and shall make appropriate changes. The director shall provide the text of the regulations as promulgated to each recipient agency and to any other person or organization so requesting. The regulations may be amended from time to time in accordance with the foregoing procedure.

8-A:6-b Effect. Regulations adopted in accordance with RSA 8-A:6-a shall be binding on all recipient agencies and shall have the force of law. No recipient agency, nor any officer or employee thereof shall be liable for damages for any claimed injury arising from a determination made in accordance with said regulations.

4 Committee to Study Commodity Food Distribution Program. There is hereby established a committee to study improvement in the commodity food distribution programs administered under RSA 8-A to better achieve the goals thereof. The committee shall be composed of three members of the house of representatives to be appointed by the speaker and two members of the senate to be appointed by the president of the senate. The committee shall report its findings and recommendations, together with any proposed legislation to the next convening session of the general court.

5 Effective Date. This act shall take effect upon its passage.

Sen. TOWNSEND: If I may, I will attempt to explain both the bill and the amendment. The bill was a very simple housekeeping bill. Most of you probably will remember in the last session we passed a bill in respect to federal funds for relocation in cases of highway displacement. That bill which we considered in the last session dealt strictly with highway relocation. This bill will make it possible for any state department that has had to take land by eminent domain to participate in federal funds for relocation. That is the body of the bill as we received it.

The amendment adds to the title of the bill which we are considering the words "and relative to the New Hampshire Distributing Agency." For some time, many interested people have been working with the New Hampshire Office of Economic Opportunity, the New Hampshire Distributing Agency, county officials and the United States Department of Agriculture to streamline and improve the effectiveness of the surplus food

program in the state. Recently, some additional problems were brought to the fore which appear to require prompt action if the program is to continue to operate with maximum effectiveness and a minimum of problems. The proposed amendments are designed to meet these immediate problems.

The first section of the amendment authorizes, but does not require, the director of the N. H. Distributing Agency to participate in information efforts relative to the program. "Getting the word out" to persons who could benefit from the program has been a problem which the N. H. Economic Opportunity Office plans to tackle. The amendment removes any doubt that the director of the State Distributing Agency can cooperate in such an effort.

The second amendment is probably most important of the three. At present, there are no clear, state-wide standards for determining whether a person can qualify or should continue to qualify for surplus foods, or that they should be disqualified. This has led to misunderstandings and uneven administration of the program from town to town and county to county. Most recently, litigation against some towns and selectmen was threatened on account of what was claimed to be improper or inadequate determinations of eligibility.

The amendment would solve these problems by authorizing the director of the State Distributing Agency to adopt and promulgate uniform, statewide regulations under which local agencies would make determinations of eligibility. This would provide statewide standards for the first time. The regulations would give protection to towns and selectmen against lawsuits, as any claims for damages would be barred as long as the regulations are complied with. On the strength of this amendment, the New Hampshire Legal Assistance has already agreed to drop a suit against a town.

The third amendment would establish an interim legislative study committee to review the entire surplus foods program and propose changes and improvements. Such reviews have been conducted on the executive and local levels in the past, but legislative review is now thought to be essential for long term improvements in the program.

I hope the Senate will go along with these amendments.

Sen. POULSEN: I rise in support of the bill and the amendment. Selectmen are in jeopardy of being sued frequently and I think any protection they can get is well worth passage.

Amendment Adopted. Ordered to Third Reading.

HB 68

relative to permitted earnings for retired teachers and state employees. Ought to pass with amendment. Sen. Tufts for Ways and Means.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

relative to permitted earnings for retired teachers and state employees and qualifying the commissioner of safety as a policeman member of the New Hampshire retirement system.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Commissioner of Safety. Amend RSA 100-A:1, VII (supp) as inserted by 1967, 134:1 by inserting in line three after the word "rank" the words (commissioner of safety) so that said paragraph as amended shall read as follows: VII. "Permanent policeman" shall mean any person, male or female who is a chief, deputy chief, marshal, deputy marshal, colonel, major, captain, lieutenant, sergeant, officer of other rank, commissioner of safety, inspectors, chief clerk, clerk, radio dispatcher, radio engineer or operator, patrolman, trooper, detective, investigator, mechanic, electrician, laboratory worker or other technical expert regularly employed on full time duty by a police department or police force of the state, or of any county, city, town, village or precinct in the state. In all cases of doubt the board of trustees shall determine whether any person is a permanent policeman as defined herein.

3 Effective Date. This act shall take effect upon its passage.

Sen. TUFTS: The bill itself permits possible alleviation of a problem which the State faces morally. New Hampshire teachers have retired, in general, under a low pension rate, and

this is supposed to help them because it will allow them, if they are able, to substitute teach in our schools and to earn a certain amount of money which they may earn under federal regulations so that it will not jeopardize their social security benefits. At the present time, the law prohibits them from working a number of days to bring up their income to that level and this will correct that problem.

The amendment applies to one position and one person. It seems that when the new Commissioner of Safety was appointed, who was the Chief of Police in Dover, he applied for a transfer of his retirement benefits from his position in the system and the system does not allow for the continuation of the Commissioner of Safety to participate in the State Retirement System. It seemed to him and it seemed to the people who testified before the Senate Ways & Means Committee that this person should not be jeopardized in his retirement position. He was engaged in police work in his city and he is still engaged in police work and he is going to work for the State of New Hampshire, so the Committee adopted the amendment which would include this man and continue his retirement benefits under the State system.

Sen. TOWNSEND: Will this amendment in respect to the retirement of the former Chief of Police in Dover require an appropriation?

Sen. TUFTS: I question the word "appropriation."

Sen. TOWNSEND: In the absence of the Chairman of the Senate Finance Committee, I just want to be sure this is something that the Senate Finance Committee receives if they should have it.

Sen. Morrissette moved that HB 68 be made a Special Order of Business for 1:02 p.m. tomorrow.

Sen. MORRISSETTE: The amendment is the only portion that I have some questions on. I have been trying to get some information. I have received some phone calls, two of them in particular from police officers in the old retirement system and they are afraid there is a possibility under this amendment that all employees of DRED may have to be included and this would really cause serious harm to the old retirement system. It is my understanding that the Commissioner

could possibly come into the State Retirement System rather than in the Police Retirement System. I want to be fair. I know the man has been a dedicated person for something over 20 years and is due to be retired. But when we consider the merit of a single person, you have to take into consideration that the person was in say a $12,000 range as a police officer and now it will be $17,000 and we will have to pay him half salary. I have no objection to the amendment except I am seeking additional information. I would like a little more time to look into this bill where we may be creating a dangerous precedent. These officers could be wrong — these two police officers that have expressed this fear and this is what I would like to look into.

Sen. SNELL: I would like to speak against Sen. Morrisette's Motion. I usually don't speak on requests for a special order of business. I do feel it is very important at this late date in the special session that the Senate Finance Committee should receive this piece of legislation and the 7 members of that Committee should judge the merits or demerits of this bill.

Sen. SPANOS: I am speaking against Sen. Morrissette's Motion. I want to make it clear that the Senate Finance Committee will meet this afternoon and, in all probability, will meet all day tomorrow on the issue of the budget alone. I am very positive that this matter would not be coming on the floor of this chamber until probably next week.

Sen. KOROMILAS: Are you asking for a special order because you want to read the bill once more?

Sen. MORRISSETTE: I know what the bill says. It is the effect of the bill on the Police Retirement System I want to inquire about.

Sen. KOROMILAS: Isn't the question of funding this particular position within the purview of the Finance Committee?

Sen. MORRISSETTE: Yes. The retirement of one man is one problem, but to pay to include all DRED in the Police Retirement System would destroy the retirement system. That is what these police officers are concerned with.

Sen. KOROMILAS: I call your attention to the amendment. Doesn't it talk in terms of more than just the Commissioner of Safety?

Sen. MORRISSETTE: Yes. But I understand this bill in reality is special for the Commissioner and that all we are adding is the word "commissioner of safety." All the other people are already included. They are all members of the various police departments. We are quite concerned because some of our officers are retiring and the State contributes say $1,200, we have to come up with the other $1,200. If you have to do that with one person, there is no big harm, but if you have to do that and include in the system hundreds of people, the system probably couldn't take it.

Sen. KOROMILAS: I am aware that this adds one position. But, doesn't the bill also talk about in terms of mechanics and electricians?

Sen. MORRISSETTE: These are mechanics working in the Police Department and all these other people working in the Department — the Commissioner of DRED will be the only individual not working in a police department. He is working in some other department.

Sen. KOROMILAS: Do you believe that the Commissioner of Safety deals with the State Police?

Sen. MORRISSETTE: Yes, He can get into the State Retirement System. But now he wants to stay in the local.

Sen. FERDINANDO: I rise in support of Sen. Morrissette's Motion.

Sen. S. SMITH: I rise in opposition to the Motion. It seems to me that the orderly progress of a bill of this nature would be to take some preliminary action on it today and send it to Senate Finance. As Sen. Spanos said, we are now working on the budget and will be today and tomorrow and I would doubt that this bill comes in until next week anyway. In that period of time, I think any senator who has questions in regard to it could certainly find the answers.

Sen. McCARTHY: I would like to support Sen. Morrissette's request for a special order for tomorrow.

Division Vote: 9 Yeas — 10 Nays.
Motion lost.
Amendment Adopted. Referred to Finance.

Sen. SPANOS: I would like the record to show that I will

do all I can to inform the Finance Committee of the position taken by Sen. Morrissette and this matter will not be brought before this Chamber tomorrow.

SUSPENSION OF THE RULES

Sen. Jacobson moved the Rules of the Senate be so far suspended as to allow the introduction of Committee Reports not previously advertised in the *Journal* on: HJR 3, HB 73 and HJR 4.

Adopted.

FURTHER COMMITTEE REPORTS

HJR 3

to authorize Portsmouth and Dover to verify their checklists in 1972 rather than 1973. Ought to pass with amendment. Sen. Jacobson for Executive Departments.

AMENDMENT

Amend the caption of HJR No. 3 by striking out the same and inserting in place thereof the following:

JOINT RESOLUTION

to authorize certain cities to verify their checklists in 1972 rather than in 1973.

Amend House Joint Resolution No. 3 by striking out all after the resolving clause and inserting in place thereof the following:

Notwithstanding the provisions of RSA 69:26-a, I, as amended, the supervisors of the checklist, or corresponding officials, of any city whose ward lines were changed by reapportionment acts passed at the 1971 and 1972 legislative sessions may, if the respective city council so votes, verify the checklist of said city in 1972 rather than in 1973, but in any event they shall verify the said checklist in 1981 and every ten years thereafter as required by other provisions of RSA 69:26-a.

Sen. JACOBSON: The bill, as originally introduced, was to allow the cities of Dover and Portsmouth to carry out the recertification of their check list registrations with regard to reregistration in 1972 and 1973. The reason was that they al-

ready have redrawn the ward lines, which requires a reregistration. If they were to do it this year and, as the law now stands they would be required to do it next year immediately again it would require in the City of Portsmouth, for example, an additional $5,000 of municipal expenditure and in Dover some monies in excess of $5,000.

When the bill came into the Senate, the City of Keene requested, because of the very same reason, to do this work in 1972 instead of 1973. It became apparent to the Committee that there are other cities, such as the City of Concord, which will have to do it also. Therefore, we universalized the bill in the sense that every city which has had to redraw its ward lines would be permitted, under this legislation, to count the reregistration of 1972 as being that of 1973 so they would not have to do it in two consecutive years. This seems to be a reasonable thing to do and I hope the Senate will go along with the Committee amendment.

Sen. TOWNSEND: As sponsor and author of the original bill requiring the reregistration which became law, I wholeheartedly support this new approach.

Amendment Adopted. Ordered to Third Reading.

HB 73

requiring positive action by the New Hampshire Port Authority to pre-empt the authority of towns or cities over ports, harbors or navigable tide rivers. Ought to pass. Sen. Jacobson for Executive Departments.

Sen. JACOBSON: The statutes on our law books give the New Hampshire Port Authority authority with regard to the regulation of all ports and navigable portions along the coast and, by coincidence, also excludes the municipalities and the City of Portsmouth from exercising any authority. A recent problem had arisen in the City of Portsmouth with regard to the fact that the Port Authority in many instances does not wish to exercise authority over certain features of the area that are contiguous to navigable waters. But, the City of Portsmouth and the other municipalities cannot enter into it. Therefore, this bill does restore to the City of Portsmouth and to the other municipalities along the seacoast, the power to act with regard to ordinances and general regulation of these areas wherever the New Hampshire Port Authority does not wish to act. Or,

stated in another way, what this bill does is require positive action on the part of the New Hampshire Port Authority. Whenever they do so initiate that, they have the prior and higher authority.

Adopted. Ordered to Third Reading.

HJR 4

authorizing the register of deeds of Strafford County to deliver some of the old record books into the custody of the Woodman Institute for display purposes. Ought to pass. Sen. Jacobson for Executive Departments.

Sen. JACOBSON: What this bill does is a very simple matter. It allows the register of deeds of Strafford County to bring in some ancient books to the Woodman Institute to allow them to be exhibited this year. This seems to be a very simple and reasonable request and I hope the Senate will go along with it.

Sen. KOROMILAS: I rise in support of the Committee Report. I think Dover is rich in background and history and the Woodman Institute has done everything to exhibit to the people and residents of Dover what our section of New Hampshire has contributed.

Adopted. Ordered to Third Reading.

SPECIAL ORDER OF BUSINESS FOR 1:01 P.M.

HB 10, state aid for sewage disposal facilities.

Sen. Koromilas moved adoption of the following amendment.

AMENDMENT

Amend section 1 of the bill by inserting before the word "financial" in lines four and twenty-eight the word (governmental) so that said section as amended shall read as follows:

1 Assistance to Municipalities. Amend RSA 149-B:1 (supp), as amended, by inserting at the end of said section the following: (Nothing contained in this chapter shall be construed to entitle municipalities to receive a combination of federal, state or other governmental financial assistance in excess of ninety-five percent for the construction of sewage disposal facilities as defined herein.) so that said section as amended shall read as follows: 149-B:1 State Contributions. The state of New Hamp-

shire shall in addition to the federal grant made available under the provisions of Public Law 660, 84th Congress (subsequent amendments thereof, or any other federal legislation), pay annually thirty percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of sewage disposal facilities by municipalities (meaning counties, cities, towns or village districts), in accordance with RSA 148:25, RSA 149:4, IX, and RSA 149:4, XIII, for the control of water pollution. The word construction shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations and intercepting sewers; the altering, improving or adding to existing treatment plants, pumping stations and intercepting sewers; provided the construction has been directed by the water supply and pollution control commission, or constitutes a voluntary undertaking designed to control or reduce pollution in the surface waters of the state as defined in RSA 149:1, and the plan therefor is approved in compliance with the provisions of RSA 148:25, RSA 149:4, IX, and RSA 149:4, XIII. The term "original costs" as used herein shall mean the entire cost of the construction as defined in Public Law 660, 84th Congress (subsequent amendments thereof, or any other relative federal legislation), excluding land acquisition. In computing said costs no deduction shall be made for federal grants therefor. Nothing contained in this chapter shall be construed to entitle municipalities to receive a combination of federal, state or other governmental financial assistance in excess of ninety-five percent for the construction of sewage disposal facilities as defined herein.

Sen. KOROMILAS: The amendment adds the word "governmental." I think last week in raising the issue as to what "other financial assistance" meant, it seemed to me under that type of language any gift to a city or town or any kind of a trust fund that may have been available to a city or town would have been includable in the 95%. In other words, the law is very clear and it says the city or town has to provide at least 5%. What this amendment does is to allow the city or town to get credit from a gift or from a trust to take care of their 5% share. That is all the amendment intends. If, for example, Amherst, New Hampshire had two or three charities or gifts from prominent people, the amount they gave toward the sewage disposal would not be considered "other financial assistance" as the bill

would have read. Under this particular amendment, it would mean that if someone gave 2% for the town, then the town would have to give only 3%. This amendment would give cities and towns credit for any private gift toward sewage disposal.

Amendment adopted. Ordered to Third Reading.

HOUSE MESSAGES

HOUSE REFERAL TO JUDICIAL COUNCIL

SB 23, requiring that a capias may be served by police officers.

HOUSE CONCURRENCE

SB 5, relating to the Lafayette Regional and Lisbon Regional School Districts.

SB 7, providing that associate justices of the superior court, justices of the district court, probate judges, or masters, in addition to judicial referees, may sit as chairmen of panels to hear professional malpractice claims.

SB 10, redistricting certain state senatorial districts.

SB 18, establishing a committee to study the question of recall of public officials by the electorate.

Sen. Spanos moved the Senate do now adjourn from the Early Session and that on third reading, all bills be read by title only, and all resolutions by caption only, and that when the Senate adjourns, it be until tomorrow at 1 o'clock and further that when we so do it be with the hope that the operation of United States Senator Thomas McIntyre be a successful one and that he will return to his duties in the United States Senate as soon as possible.

Adopted.

LATE SESSION

Third reading and final passage

HB 10, state aid for sewage disposal facilities.

HB 39, relative to landlord and tenant rights.

HB 45, authorizing payment of relocation assistance in eminent domain taking in which federal funds are involved and relative to New Hampshire Distributing Agency.

HB 65, requiring filing of social security numbers with department of probation.

HB 73, requiring positive action by the New Hampshire Port Authority to pre-empt the authority of towns or cities over ports, harbors or navigable tide rivers.

HB 77, relative to the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature.

HJR 3, to authorize certain cities to verify their checklists in 1972 rather than 1973.

HJR 4, authorizing the register of deeds of Strafford County to deliver some of the old record books into the custody of the Woodman Institute for display purposes.

Adopted.

Sen. English moved the Senate adjourn at 3:55 p.m.

Adopted.

Friday
10Mar72

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by Senate Chaplain, Rev. William L. Shafer.

O GOD Who canst overrule the most powerful of nations, and yet dost give men the freedom to choose life or death, we bring Thee our nation in our need. Not for greater wealth do we ask, but for greater justice and opportunity for all, even those now least able to work in exacting occupations; not for more comfort for ourselves but for greater courage to stand for the hard right against the easy wrong in private and public life; not for cheap pride but for gratitude for honest, brave leadership, at every level of government. So may the great hope of Thy love, justice, and peace prevail in every life and beat in every heart. Amen.

Pledge of Allegiance was led by Sen. Snell.

ENROLLED BILLS REPORT

SB 5, relating to the Lafayette Regional and Lisbon Regional School Districts.

SB 7, providing that associate justices of the superior court, justices of the district court, probate judges, or masters, in addition to judicial referees, may sit as chairmen of panels to hear professional malpractice claims.

SB 10, redistricting certain state senatorial districts.

SB 18, establishing a committee to study the question of recall of public officials by the electorate.

Sen. Ferdinando
For the Committee

Adopted.

HOUSE MESSAGES

COMMITTEE OF CONFERENCE

The House has voted to accede to the request of the Senate for a Committee of Conference on:

SB 15, repealing the provisions for discretionary real estate licenses and providing for the examination of holders thereof.

The Speaker has appointed as members of said Committee on the part of the House: Reps. S. Clark, Bouchard and Raiche.

HOUSE NON-CONCURRENCE IN SENATE AMENDMENT REQUEST FOR COMMITTEE OF CONFERENCE

On Motion of Sen. Jacobson, the Senate voted to accede to the House request for a Committee of Conference on:

HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible.

The Speaker has appointed as members of said Committee on the part of the House: Reps. James O'Neil, Dunham and O'Keefe.

The President appointed as members of said Committee on the part of the Senate: Sens. Jacobson and Leonard.

COMMITTEE REPORTS

HB 26

amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases. Ought to pass with amendment. Sen. Ferdinando for Manchester Delegation.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Competitive Bidding. Amend Laws of 1971, 551:6 by striking out said section and inserting in place thereof the following:

551:6 Competitive Bidding.

I. All purchases made by the city of Manchester for materials, equipment, supplies, services, insurance, building repairs, or any other item, in an amount exceeding five hundred dollars shall be by competitive bidding. Awards for such purchases shall be made to the lowest responsible bidder. Orders for purchases to be delivered at different times where the single delivery may be less than five hundred dollars, but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.

II. In determining "lowest responsible bidder," in addition to price, the following shall be considered:

(a) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

(f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(g) The quality, availability and adaptability of the supplies, or contractual services to the particular use required;

(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

(i) The number and scope of conditions attached to the bid.

III. Where the cost of the service is fixed by law, competitive bidding shall not be required.

IV. Where the proposed purchase is manufactured by only one company, or where it is deemed advisable to make the purchase from a specific company to reduce costs of maintaining additional maintenance parts, the finance committee of the board of mayor and aldermen, at the request of the department concerned, is authorized to waive the competitive bidding procedure.

V. Where the purchase is of insurance and there is no deviation nor flexibility for lower rates, the finance committee of the board of mayor and aldermen is authorized, upon a finding that such will be in the best interests of the city, to waive the competitive bidding requirement and procedure.

VI. Competitive bidding by a department shall not be required if terms can be procured through the state purchasing department either by direct purchase or from the state supplier at the state price providing the department files a full report with the finance committee of the board of mayor and aldermen.

VII. Competitive bidding shall not be required where a department is able to negotiate prices for items of purchase that are lower than bid prices for the same material in the same transportation zone, providing the department files a full report with the finance committee of the board of mayor and aldermen substantiating the fact.

VIII. Competitive bidding shall not be required whenever contracts may be extended at the same price or a lower price for another year or any part of a year, providing a full report is filed by the department with the finance committee of the board of mayor and aldermen.

IX. Competitive bidding shall be interpreted to include

"guaranteed annual cost" purchasing whenever applicable whenever this factor is considered to be of value in obtaining the lowest possible "annual cost" for the department.

X. In case of an emergency which required immediate purchase of supplies or contractual services, the department concerned is authorized to secure by open market procedure, at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure. A full report of the circumstances of the emergency purchase shall be filed with the finance committee of the board of mayor and aldermen and shall be open to public inspection.

Sen. FERDINANDO: As you will recall, last Session we passed competitive bidding for the City of Manchester. The reason for this bill is that there were some provisions with which the City found it hard to live. As a result, the House passed HB 26 giving certain circumstances the City could abide by in deciding when there should not be any competitive bidding. What the House passed was in the event of insurance the Finance Committee of the Board of Mayor and Aldermen could waive the competitive bidding requirement and procedure. The Senate Amendment puts in the words "where the purchase is of insurance and there is no deviation nor flexibility for lower rates," the Finance Committee of the Board of Mayor and Aldermen can waive the competitive bidding requirement and procedure. Only under those conditions. That means that if there is a standard policy with no flexibility for lower rates, they may waive the bidding process. But, if there is flexibility, then they must abide by the competitive bidding requirements as they would for any other purchase. The Committee unanimously thought this was a good bill.

Amendment Adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Sen. Poulsen moved the Rules of the Senate be so far suspended as to allow the introduction of Committee Reports not previously advertised in the *Journal* on: HB 49 and HB 66.

Adopted.

FURTHER COMMITTEE REPORTS

HB 49

making appropriations for capital improvements and

amending the 1969 capital budget. Ought to pass with amendment. Sen. Lamontagne for Public Works.

AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act the state treasurer is hereby authorized to issue bonds and notes in accordance with the provisions of RSA 6-A not exceeding the sum of ninety thousand dollars.

Further amend the bill by striking out section 5 and inserting in place thereof the following:

5 Aeronautics Commission Appropriation. There is hereby appropriated to the aeronautics commission for acquisition of land and other airport improvements for the Manchester Municipal Airport, a sum not to exceed one hundred fifty thousand dollars, provided however that said appropriation may be used only to augment local funds of the city of Manchester and federal funds in the ratio of twenty-five percent state funds, twenty-five percent local funds and fifty percent federal funds.

6 Bonds Authorized. To provide funds for the appropriation made in section 5 of this act the state treasurer is hereby authorized to issue bonds and notes in accordance with the provisions of RSA 6-A not exceeding the sum of one hundred fifty thousand dollars.

7 Department of Resources and Economic Development Appropriation. In order to make the necessary engineering, construction, repairs, replacement of stone, seawall protection, cleanup and redistribution of beach sand, replacement of sidewalks, fences, repairs to docks, jetties and picnic facilities at Hampton Beach, Rye Harbor, Wallis Sands and Fort Dearborn, New Hampshire, a sum of ninety-five thousand dollars is hereby appropriated to the division of parks in the department of resources and economic development.

8 Bonds Authorized. To provide funds for the appropriation made in section 7 of this act the state treasurer is hereby authorized to issue bonds and notes in accordance with the provisions of RSA 6-A not exceeding the sum of ninety-five thou-

sand dollars; provided, however, the maturity date of said bonds in no case shall be later than five years from the date of issue.

9 Effective Date. This act shall take effect upon its passage.

Sen. LAMONTAGNE: First in the bill is the Berlin Vocational Technical College which has asked for an expansion which is a bond issue of $90,000. This price is for 280 acres of land and buildings. The Governor and Council approved an option price and funding of $500 for a period of time extending beyond the February Special Session and the Rules Committee approved introduction of the bill in the Special Session. The people who now own the property have agreed to allow the Vocational College to use the garages in exchange for plowing of the area. This is the only place there the College could expand. In the back of the College is the Androscoggin River; on one side is a swamp and on the other is a small property which would be worthless to the College and which is owned by the Brown Company. Therefore, the only place they could expand is by taking this property that has been owned by the Twitchells. I would also like to say that the State of New Hampshire did not pay one dime for the present land where the College is; this land was donated by Mrs. Twitchell.

There were amendments that were put in by the House and one is to extend the time for the Aeronautics Commission. The Aeronautics Commission has already started some projects and, therefore, has asked for an extension of time on the money which had been appropriated in the 1969 Session.

They also changed the term of office for the Mt. Washington Commission from 3 to 5 years. The reason was because the Commission had work that was not completed and they needed the extension of time.

Then, there is a new amendment put in by our Committee for $150,000 for the Manchester Airport. We have been told that the City of Manchester has its money already appropriated and the federal government has already appropriated federal funds and, therefore, they need a bond issue for the state for $150,000.

Another amendment by the Committee was put in at the request of Commissioner Gilman of DRED for the sum of $95,000 for "engineering, construction, repairs, replacement of stone, seawall protection, cleanup and redistribution of beach

sand, replacement of sidewalks, fences, repairs to docks, jetties and picnic facilities at Hampton Beach, Rye Harbor, Wallis Sands and Fort Dearborn" and the State Treasurer is authorized to issue bonds and notes not to exceed $95,000. These will be 5 year bonds and notes in the name and on behalf of the State of New Hampshire. The reason for this request is because of the wind storm damage in the Seacoast area which has created this problem. The money is needed to clean up that area and make necessary repairs.

LAID ON THE TABLE

Sen. Poulsen moved HB 49 be laid on the table.
Adopted.

FURTHER COMMITTEE REPORTS

HB 66

providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor. Ought to pass. Sen. Poulsen for Public Works.

Sen. POULSEN: This bill allows for the planning and construction of a giant liquor store at the Hooksett toll gate. This liquor store will be approximately 700 feet from the exit to the toll gate. There will be a separate lane going into an area where the liquor store will be located. $710,000 is required to be bonded. The store will be approximately three times the size of the store in Portsmouth and it is expected to do a tremendous amount of merchandising.

There were moves made to amend this to include an area for the Sweepstakes. Apparently in the plan of the building this is already allowed except that there will be a separate room not connected directly with the liquor store so that the liquor store will be a separate entity and it is possible that in the planning the Sweepstakes will have a room on one end of it — walled off — and possibly DRED will also have an area in the same place.

Sen. KOROMILAS: Will there be a way of getting in and out?

Sen. POULSEN: There will be a way in and out from

both north and south bound lanes by using the road that will go under the Interstate.

Sen. KOROMILAS: A person could get off the highway, stop at the liquor store, take a nip and leave?

Sen. POULSEN: They could do that or they could come back on without paying an extra toll.

Sen. FERDINANDO: The legislative intent behind HB 66 is that the Sweepstakes Commission will be allowed to continue selling sweepstakes at this particular location or in that particular section. The intent is not to have them without a place to sell tickets and not be able to supply their own personnel. I would like the record to show that is the legislative intent.

Adopted. Referred to Finance.

SUSPENSION OF THE RULES

Sen. Koromilas moved the Rules of the Senate be so far suspended as to allow the introduction of Committee Reports not previously advertised in the *Journal* on: HB 72 and HB 62.

Adopted.

FURTHER COMMITTEE REPORTS

HB 72

providing that each lobsterman fly his own distinctive colors or paint them on both port and starboard bow. Ought to pass. Sen. Koromilas for Recreation & Development.

Sen. KOROMILAS: This bill, as the title provides, would require a lobster boat either to fly its own colors from a mast or paint said colors on both port and starboard 6″ below the bow stem. The actual coloring should be at least 1 square foot.

Adopted. Ordered to Third Reading.

HB 62

repealing statute on group marketing of motor vehicle insurance. Inexpedient to Legislate. Sen. Ferdinando for Banks, Insurance & Claims.

LAID ON THE TABLE

Sen. Leonard moved HB 62 be laid on the table.

Adopted.

PARLIAMENTARY INQUIRY

Sen. NIXON: Under the Rules of the Senate, what does it take to remove a bill from the table in terms of a vote?

CHAIR: Majority vote.

SPECIAL ORDER OF BUSINESS FOR 1:01

HB 12

relative to insurance on state owned pressure vessels.

Question on Adoption of Committee Amendment.

Sen. LAMONTAGNE: I have discussed the matter with several senators and the Director of Motor Vehicles. What he wanted was to have the registration taken out of the 1971 law so that on the operator's license and not the registration there would be a 48 hour period for a person to produce evidence that he had a license. As far as the registration, I have been told that no one has ever been fined for losing a registration because they have been given enough time to write to Concord and get a duplicate of their registration. Therefore, the registration has never been a problem in the past. It is the license that was creating a problem with people being taken in by some enforcement officer who, through lack of using good common sense, took in a person for not having the operator's license on his person. A person who did not have a license with him could be taken into court and fined and this was a charge against his record. And if he had another charge against him, then he would be forced to get a financial responsibility certificate which meant an increase in insurance rates. The only problem was with the operator's license and, therefore, the Director feels it is not necessary to amend it any more. He did ask to have the registration taken out but he would rather leave it to the majority of the Senate whether you should take out the registration or not.

Sen. JACOBSON: As I gather from your statements, if we leave the law as it is, it will do no injury.

Sen. LAMONTAGNE: It would not do any injury. But still the Director will not be able to tell you that your registration belongs in the glove compartment or should be with the car.

Sen. S. SMITH: I rise in support of the amendment. If

memory is correct, I believe that practically every state in the union requires registration to be with the vehicle. I think if we do not have this law, though it may not do any harm not to have it in this State, those New Hampshire residents in New Hampshire vehicles going out of state may find it difficult if they are stopped in another state where this requirement is on the books. I think for the ease of the people of New Hampshire, it might be better to have this amendment and, therefore, I hope the Senate will vote for it.

Sen. JACOBSON: Is it not also true that many states require that your driver's license be on your person immediately and, if you were in another state, you would have to have your driver's license with you?

Sen. S. SMITH: This is true, but I think more people will more likely carry their driver's license in their billfold and, therefore, be more likely to carry their billfold out of the state. I don't think this is a probem. But I do think, as far as registrations are concerned, if they are not located in the glove compartment and are left around and not carried in a billfold, it could be a difficult situation for the New Hampshire people who go out of the state.

Sen. JACOBSON: If this amendment is adopted, then you will be required to have your registration in the car?

Sen. S. SMITH: I believe this is correct.

Sen. JACOBSON: Is there any penalty for not having it in the car then?

Sen. S. SMITH: I don't believe so.

Sen. JACOBSON: Of what value is the law then?

Sen. S. SMITH: I think the law is a law of convenience in the long run for New Hampshire residents who go out of state and where there is this requirement in other states, then if they get stopped beside the road and don't have their registration, it could become a difficult situation. They may be held up in their travels.

Sen. JACOBSON: What would the statute then say precisely? Do you know?

Sen. S. SMITH: I do not have it right here. But I gather it would require the registration to be with the car.

Sen. JACOBSON: I rise in opposition to the amendment. I believe that the present statute is reasonable.

Sen. LEONARD: Under the present law, if you are stopped by a police officer and you do not have your registration, you have 48 hours to pick it up and show it to the police department. If this amendment is passed, you won't have 48 hours to come in with your registration. Even though you have it in another car or some other place, you can be fined $50 and if you come up with it, you won't get your fine back. I think that the present law is sufficient and it takes care of the legitimate person who might lose his registration for a day or two.

Sen. NIXON: Sen. Smith, who was the source and why of this amendment?

Sen. S. SMITH: I don't know the source of this amendment. As I recall, one of the things which we are trying to do in motor vehicle laws is make them as uniform as possible. It is my belief, although I have not checked this, that almost every state requires registrations to be in the car or on the person. I just think it would be easier and simpler for those residents of our state who happen to be outside of the bounds of New Hampshire to have the registration in a place which is common and logical.

Sen. NIXON: I oppose the amendment.

Division Vote: 5 Yeas; 16 Nays.
Amendment lost. Ordered to Third Reading.

TAKEN FROM THE TABLE

Sen. Poulsen moved HB 49 be taken from the table.
Adopted.

HB 49, making appropriations for capital improvements and amending the 1969 capital budget.

Question on adoption of amendment.

Sen. NIXON: Sen. Poulsen, this amendment as it relates to the Aeronautics Commission appropriation calls for $150,000 to be appropriated by us from state funds for the benefit of improvements at the Manchester Airport. Is that correct?

Sen. POULSEN: That is right.

Sen. NIXON: As I understand it, this $150,000 going from the State of New Hampshire to the City of Manchester comes from existing sources of revenue that the State has available to it. Is that correct?

Sen. POULSEN: That is correct. It will be matched by money from the City of Manchester that is now available, plus $300,000 of federal money and it will be used to prevent building on the approaches to the Manchester Airport.

Sen. NIXON: In your discussions in your Committee and at hearings on this amendment, was any consideration given to the attitude of the Representatives from Manchester in regard to providing revenue to fund necessary improvements such as the one proposed by this amendment.

Sen. POULSEN: As I understood it, the City of Manchester already has the money available, which is why they came in for this appropriation. Apparently, that had been the stumbling block. Their money was available and the federal money was available which it had not been so that, wishing to take advantage of both of these outside monies, they asked the State for this $150,000.

Sen. NIXON: Having in mind my recollection that the Mayor and Board of Aldermen in the City of Manchester unanimously voted to instruct the Manchester Delegation to oppose all revenue raising measures of a broad base nature at this session, were there any suggestions posed to the Committee in term of where the State was supposed to get this $150,000 in State funds for improvements at the Manchester Airport that were requesed by them?

Sen. POULSEN: No suggestions were made that I know of.

Sen. MORRISSETTE: Sen. Nixon, do you think this is the proper place to make political speeches?

Sen. NIXON: I don't know that anybody has made a political speech today. But I think certainly there is no other place that is more proper to make legitimate inquiries as to the area of where sums in the magnitude of $150,000 as opposed to sums for such expenses as senators' mailing privileges should come from out of the State coffers in view of the fact that we know that Laconia State School, the Soldiers' Home, the State Hospital, the State Police, the State Prison and all of these other

existing facilities are already underfunded; not to mention such things as school building, foundation aid and things of that nature.

Sen. MORRISSETTE: Are you aware that the City of Manchester contributes in the vicinity of $20 million to $25 million a year for highway funds alone and gets practically nothing back? Isn't that doing our fair share?

Sen. NIXON: I am not suggesting, and never have, that the City of Manchester doesn't do its fair share in any respect. I understand that people who drive through Manchester, live in Manchester and drive elsewhere and live outside Manchester and work in Manchester all pay the same gasoline tax that everybody else in New Hampshire pays: to wit, 9 cents a gallon.

Sen. MORRISSETTE: Wouldn't you say that it is justified for a city to refuse to go along with a tax knowing that it will receive very little back, if not the first year that the tax goes through, but the second?

Sen. NIXON: I don't think really that the question of what is coming back in terms of one town or one city has much to do with the judgment that must be made on whether a revenue system accomplishes the purposes intended for all revenue systems to provide minimal revenue for minimal state needs and, at the same time, distribute the burden of taxation fairly among the entire population; that is to say, whether or not it excessively burdens the elderly, the working man and the poor who are trying to hold onto their homes, not to mention the young people. I don't think that we are in a situation where Manchester should set itself up against the rest of the State or any other town should do the same thing. We are a State — all of us.

Sen. LEONARD: My understanding of this is that Grenier Field has an ILS system which is considered dangerous because of the approaches. If this $150,000 is contributed by the State, the City of Manchester also will contribute $150,000, which has to be approved by the Board of Aldermen and Mayor, and the federal government will contribute $300,000 for a total of $600,000. This is to purchase land at the approach to the main runway where they will knock down a hill and make the approaches safer. Also, if the City owns the land, no one will be able to build a building which could be a safety hazard. I think Grenier

is considered the airport that serves the State of New Hampshire, although we do have several airports in other sections. But it is the main airport and it is large enough to service large airplanes and this might very well prevent a very serious accident in bad weather.

Sen. MORRISSETTE: I would like to say a few words on this bill. This is not a bill for Manchester only in any sense of the imagination. None of this extension of runways will be in Manchester. It is going to be in Londonderry. The City of Manchester will contribute $150,000 and I understood that the federal government would contribute $500,000, and not $300,-000. This will bring business to the State, and not to the City of Manchester, and increase our revenues. The airport now located in what we call Manchester is actually a lot more in other towns, primarily in Londonderry. Right now we are handling a much greater quantity of flights that can no longer go into Boston. And, as the population increases, the use of the airport will also increase. So, you can imagine that if a city that has difficulty like Manchester to meet ends with the low per capita income of our people is willing to put up $150,000 to enlarge an airport that is not even in our city, then it must be in the interest not only of the City but it is also the interest of the complete State.

Sen. KOROMILAS: Sen. Poulsen, as I understand this appropriation with respect to the Manchester Municipal Airport, it is a bond we are talking about.

Sen. POULSEN: That is right.

Sen. KOROMILAS: Will this be repaid by the municipality later on in the type of bond they actually pay it themselves? How will this work?

Sen. POULSEN: No, the $150.000 would be repaid by the state. The State would borrow the money and then pay the bond back.

Sen. SPANOS: I rise in support of HB 49 and the amendments. I come from Sullivan County which is a long way from Berlin; I come from Sullivan County which is a long way from Manchester; I come from Sullivan County which is a long way from the Seacoast area. But I support this measure because I think it is in the best interest of the people of the State of New Hampshire in general.

I would also like to comment on Sen. Nixon's viewpoint. I think in his questioning he is alluding to a fact that is of significance and that is,when people or areas expect and receive funds that are charges upon the taxpayers of the State of New Hampshire, then that same delegation and that same group which represents that area, I think, has the responsibility of also making available the necessary revenue to meet these needs.

Sen. NIXON: I wish to go on record in support of the amendment now before us and with appreciation to Sen. Leonard because of his expertise in the area and I also wish to commend Sen. Morrissette for bringing to the attention of the Senate that this bill has an interest that is statewide rather than one, as was suggested perhaps by one of his questions that is parochial to Manchester. Being a statewide bill, I favor the amendment.

Amendment Adopted. Referred to Finance.

SUSPENSION OF THE RULES

Sen. Townsend moved the Rules of the Senate be so far suspended as to allow the introduction of Committee Reports not previously advertised in the *Journal* on: HB 6 and HB 38.

Adopted.

FURTHER COMMITTEE REPORTS

HB 38

amending the Lebanon city charter to provide that the mayor shall make all appointments other than certain exceptions subject to the approval of the council. Inexpedient to Legislate. Sen. Townsend for Special Committee.

Sen. TOWNSEND: I rise in support of the recommendation of inexpedient to legislate. But first, I would like to take this opportunity to apologize to the Senate for the continual drivel of nit-picking Lebanon bills which have required so much time and money over the past three sessions of the Legislature.

My reasons for asking you to support an inexpedient report are as follows: (1) First and foremost it was, and is, my understanding that this special session was called to consider only pressing and emergency matters. This bill by no means falls into this category, and I cannot understand how the Rules

Committee could justify permitting this and many other bills to be entered.

(2) This bill would strike from the Lebanon Charter an amendment that was added only four years ago by a 73% majority of the voters at referendum. I would say also that the amendment at the time was recommended by the duly elected Charter Study Commission of which I was chairman. Rep. Merrill, the sponsor of the bill we are now considering, was also a member of that same Charter Study Commission, and signed the Commission's recommendations.

(3) In my opinion this bill was handled in a very shoddy manner before coming to the Senate. Either because there is a lack of interest, or because of poor advertising, the hearing held in Lebanon was very poorly attended. The bill was reported into the House with the recommendation, ought to pass with amendment. The added amendment only serves to bear out my contention that the bill was handled in a shoddy manner. At the public hearing in Lebanon I questioned the section of the bill that calls for a change in the term of office of the mayor. The sponsor denied any knowledge of the provisions for such a change until I pointed out the wording as it is written in the original bill. I accept the statement made by the sponsor that it was not intended to have been included, but I maintain that this underlines the careless manner and haste which surrounded the incubation of this bill. Furthermore, at least two members of the Lebanon Delegation, one of whom is the Clerk, were never notified of an executive meeting following the hearing. Both Representatives have informed me of their strong opposition to the bill.

(4) The last, and to me the most important, objection to the bill is that it would destroy one of the cornerstones of our democratic form of government. The architects of our democracy saw the need for providing for checks and balances in our governmental process, as we see them in our judicial, legislative and executive branches. The Lebanon City Charter provides for checks and balances in the field of planning and zoning. House Bill 38 would give the Council the power to appoint all members of the planning board. This, together with the power which presently exists for the Council to appoint all members of the Board of Adjustment, would eliminate the element of checks and balances between the manager and the Council in the field of planning.

For these reasons I hope the members of the Senate will vote this bill inexpedient to legislate.

Adopted.

HB 6

increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds. Ought to pass with amendment. Sen. S. Smith for Finance.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act

increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds and authorizing the town of Lincoln to issue emergency notes.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Emergency Legislation.

I. The general court has found that the town of Lincoln may be without sufficient funds on or prior to April 1, 1972, to meet the demand of debt service requirements falling due on that date consisting of the payment of interest and principal of bonds of that town, the payment of interest and principal of which is guaranteed by the state under RSA 149:5. The general court has found that the consequences of such a default would include serious detriment to the borrowing capacity of that town and extreme economic hardships to its inhabitants. The general court declares that the public convenience and necessity require that default on the payment of those requirements be avoided and that the state be empowered to act to preclude the possibility of that default. Therefore the general court finds that the possibility of this default constitutes a special emergency requiring the legislation as provided in paragraph II.

II. The provisions of this section are enacted and are to be given effect notwithstanding any other provisions of law, if any, to the contrary. In addition to its borrowing power as determined without regard to the provisions of this section,

the town of Lincoln is hereby empowered to issue notes to the state of New Hampshire in total face amounts not to exceed one hundred fifteen thousand dollars. The issuance of such notes shall be governed by the provisions of RSA 33:8, provided that for the purposes of that section such notes shall be treated as if they were tax anticipation notes and provided further that the warrant for any special meeting of the town must be served or posted no more than seven days prior to the date of that meeting. Such notes shall be deemed general obligations of the town. Such notes shall be redeemed no later than June 30, 1973. The treasurer of the state of New Hampshire is hereby authorized, with the approval of the governor and council to purchase such notes of the town of Lincoln, and the power of the treasurer to borrow on the credit of the state is hereby increased by the power so to borrow one hundred fifteen thousand dollars in addition to such amount as he may, from time to time, be authorized to borrow under any other provisions of law. This increased power shall extend for a period of thirty days beyond the date at which any notes of the town of Lincoln, authorized by this paragraph, shall in fact be redeemed.

3 Effective Date. This act shall take effect upon its passage.

Sen. S. SMITH: I rise in support of the amendment as offered by the Committee. This amendment was brought to the attention of the Senate Finance Committee day before yesterday. It is essential that this amendment be adopted.

What it does is to allow the Town of Lincoln to issue short term notes to the State of New Hampshire. The need for this came about because of a ruling by the Tax Commission which said that the Town of Lincoln could not borrow in anticipation of the type of revenue in anticipation of which they were attempting to borrow. A town can borrow only in anticipation of taxes. If this amendment does not pass, there is a very strong chance — in fact it is almost positive — that the Town will not be able to meet its commitments on its present bonding. These bonds are State guaranteed and the State would then have no recourse except to take action against the Town for collection of these funds which the State would cover in the interim.

What this allows is for the State to make a loan for the next two pay periods in which these bonds are due. The notes must be paid back by June 30 of next year. This, in effect, is

an emergency measure so that the Town of Lincoln will have the opportunity to straighten itself out. We will have greater time in the regular session to determine what the needs are. There should be a much clearer picture by that time.

I hope that the Senate will go along with the amendment.

Sen. KOROMILAS: I note on page 1 of the amendment under 2, it talks about a "finding" — the Legislature has *"found"* that the town of Lincoln may be without sufficient funds; the general court *"declares"* that the public convenience and necessity require that default on the payment of those requirements be avoided; and the general court *"finds"* that the possibility of this default constitutes a special emergency. What is the purpose of that particular paragraph?

Sen. S. SMITH: I think the purpose of this first paragraph is to lay out a reason why this unprecedented action is being taken.

Sen. KOROMILAS: In other words, you are stating that the reason for this long declaration is because the statutes require it?

Sen. S. SMITH: No. This was drafted by three or four lawyers in the Attorney General's Office when the situation was discovered.

Sen. KOROMILAS: This general declaration was not required under the general laws of the State?

Sen. S. SMITH: I am not certain of that.

Sen. Koromilas moved that HB 6 be made a Special Order of Business for 1:01 p.m. on Tuesday, March 14.

Sen. KOROMILAS: I have had a chance to talk, on the surface at least, with the Deputy Attorney General with respect to this bill. The only reason I am asking for a Special Order on this particular bill is not because I don't feel for the Town of Lincoln, but I think what this bill does is to establish a precedent that has only been done once before — the Legislature has only done something this once before in making such findings at the time the Penacook Bank went bankrupt in the State of New Hampshire. I am not fully satisfied with the explanation given by the Deputy Attorney General because he said he does not speak from his own knowledge with

respect to the findings, And, for that reason, I think we should have a chance to look at the bill further.

Sen. S. SMITH: I rise in opposition to this Motion. This legislation is being brought in to resolve a problem. I too talked with Mr. Souter in the Attorney General's Office. The question was raised earlier by Sen. Koromilas about Section 1 of this as to whether it was needed. The Assistant Attorney General indicated he felt it would be advisable to have this preamble on the bill. The Assistant Attorney General also stated that he was not personally aware of the economic situation in the Town of Lincoln. I am aware, coming from that District, of the vast problems through which the Town of Lincoln has gone. The Franconia Paper Company originally went into bankruptcy. The Town had great difficulties meeting this obligation last year. How they did it, I am not sure. But they did. I am convinced that if this does not pass this is going to hurt badly the citizens of the Town of Lincoln. To put it off until Tuesday, in my estimation, would be a rather risky thing to do. The Senate Finance Committee has listened to arguments relative to this.

You will note on the second page there is a special requirement as to the announcement of Town Meeting reducing it to one week. This bill upon leaving here today has to go back to the House which does not meet until Tuesday. Due to the fact that this piece of legislation is unique, I am sure they will want to hold a hearing. Holding that hearing, they will then, hopefully maybe Wednesday or Thursday, bring it back to this body or message in that they go along with the Senate amendment. By that time, you are getting to the 16th or 17 of the month. You then get into the position where, after this is signed, the Town of Lincoln has to go to the superior court to get permission to hold a special Town Meeting. I think we are playing games here today, Mr. President, if we postpone this until next Tuesday. I think any questions which might arise, that any of the senate members are interested in, could be determined over the weekend and could be brought to the attention of the House.

Sen. KOROMILAS: Did you say the House would meet when?

Sen. S. SMITH: Next Tuesday, it is my understanding.

Sen. KOROMILAS: If this bill were to pass, it would not get to the House until next Tuesday.

Sen. S. SMITH: This is correct.

Sen. KOROMILAS: And you feel that the Senate should not have, at least one senator should not have, the chance to look into it over the weekend?

Sen. S. SMITH: I think you would have all the opportunity to look into it over the weekend. My feeling is this. If we wait until next Tuesday to take action on this and then it goes to the House, they will not assign it for hearing until later in the week. I think by the passage of this now it may be possible for the House to schedule hearings early in the week.

Sen. KOROMILAS: Do I understand you to say that a house bill that has had a hearing, has now come into the Senate, had its hearing, and had a committee report has to go back to another hearing in the House?

Sen. S. SMITH: They may very well want to have a hearing on this.

Sen. MORRISSETTE: I favor the Motion. I feel very sympathetic with the Town of Lincoln and I feel very confident the bill will go through. But, if there is some possibility of some legal problems, it is always wrong to be afraid to face the truth or to investigate the matter. I feel that the Motion is proper and that we should go along with Sen. Koromilas.

Sen. S. SMITH: In view of the fact that we do not meet until 1 o'clock on Tuesday and the House meets at 11, is it not possible the House could adjourn before we had a chance to get this bill over there?

Sen. MORRISSETTE: If it is an important bill, we could meet at 10 o'clock instead of 1 and get it over there very fast.

Sen. SNELL: I rise in opposition to the Motion to make this a Special Order of Business on Tuesday of next week. We recently passed an amendment to HB 49 which authorizes an appropriation of a bond issue of $150,000 for the City of Manchester for an airport. HB 6 is requesting $115,000 for a community that has seen far greater problems in the history of this small community compared with other communities in our

State. I feel very strongly that the people in Lincoln need this piece of legislation. I feel that the citizens of Lincoln deserve the action that Senator Smith, their Senator, has requested and I am sure that Sen. Koromilas, over the weekend, can still look into this measure and, with the proper channeling of this bill in the House, he will have the opportunity to testify before a hearing on this piece of legislation if he desires. I hope that Sen. Koromilas is as familiar with the situation in the Town of Lincoln as I am. I have a number of friends who work in that community and I know that many of them have been unemployed for more than 6 months during 1971.

Sen. KOROMILAS: Do you understand that I am not opposed to this bill in substance but only with respect to the first portion and the precedent it is trying to establish in this State?

Sen. SNELL: Yes.

Sen. KOROMILAS: Don't you understand that I am not against this bill insofar as helping the Town of Lincoln.

Sen. SNELL: Yes, I realize this.

Sen. KOROMILAS: Do you understand also that if this were to leave the Senate today, whether I went to a hearing or not would make no difference with respect to what I said or may not have said?

Sen. SNELL: Possibly.

Sen. JACOBSON: Sen. Smith, in your speech you delineated a time schedule. When is the first payment due on this bond?

Sen. S. SMITH: April 1. That is when *the* payment is due.

Sen. JACOBSON: There is the necessity of calling a special Town Meeting?

Sen. S. SMITH: This is correct.

Sen. JACOBSON: That being the case, what would be the subject of it?

Sen. S. SMITH: The subject would be to have an Article in the Warrant allowing the Town to issue notes.

Sen. JACOBSON: In the form of tax anticipation notes to the State?

Sen. S. SMITH: I believe this is correct.

Sen. JACOBSON: How many days are necessary for a Warrant to be posted?

Sen. S. SMITH: Two weeks. But this bill limits that to one week. We are approaching so closely this time period that with the action which is necessary now by the House, enrolling the bill, etc., it would be, in my estimation, very fortunate if this bill passes before the very end of next week. Then there must be a meeting of the superior court to get a warrant authorization for a special meeting. Then there must be this week of posting for the meeting. Then you will have only a few days in which if you are very fortunate, to get this issued so that the bonding can be covered.

Sen. JACOBSON: I am trying to decide whether to vote with you or against you because my inclination is always to give any senator the benefit of investigation. On this issue, what is the legal necessity of the first paragraph?

Sen. S. SMITH: It was Mr. Souter of the Attorney General's Office who indicated that the 4 lawyers from the Attorney General's Office sat down to look at this proposal. In drafting their legislation, they felt that to have this first section in the bill was probably a necessity — it should be placed in the bill — due to one previous case which was somewhat different to the one involving the Penacook Bank with which we dealt several years ago on emergency legislation in that area. It was felt to be on the safe side that it was best to have this type of preamble to the second section.

Sen. JACOBSON: As I understand the bill, it is the second paragraph which is the substance of the issue.

Sen. S. SMITH: This is correct.

Sen. JACOBSON: The first part is merely descriptive of the condition.

Sen. S. SMITH: This is also correct.

Sen. SPANOS: I rise in opposition to the Motion before this body. This is the first time in my memory we are confronted with two concepts of senatorial courtesy. As I have analyzed this over the 3 terms I have served in this Chamber, they are as follows: (1) the concept of senatorial courtesy having to

do with a senator's desire to gain and garner additional information before he evolves and makes his decision; and (2) the senatorial courtesy concept of our body giving to a senator who is concerned about his own District the benefit of the doubt in issues involving his District. When confronted with these two different concepts, I give the greatest weight to the senatorial courtesy to the Senator from the District representing the community involved. In this case, I give the benefit of the doubt to Sen. Smith, who represents the Town of Lincoln, and hope the Senate will move this bill along today.

Sen. NIXON: I rise in opposition to the pending Motion. I am in favor of immediate consideration and passage of HB 6. I also thought of the considerations just now aptly expressed by Sen. Spanos. On the other hand, I think this bill goes to a deeper problem. We are confronted with a situation that one of the towns in our State has on the evidence we have before us, albeit as late or tardily presented, an actual emergency or a pending one. We have, on the other hand, an emergency of another kind in that we are limited in the time that we have to make a judgment on the merits of the issue. The suggestion has been made that, therefore, we should postpone deliberation of the merits until next week, which would place this bill in the crunch of the closing minutes, if not days, of the Session. I do not have so little faith in the body on the other side of the wall to think that any senator who appears at a House hearing would not be given due consideration and his opinions, or objections, or criticisms to a measure cast aside lightly. I think senators who have testified, as all of us have, before House committees get that measure of respect to which the merits of our argument entitles us. I would expect that would pertain to this bill as to all others. Any objections to this measure, or criticism of it, can validly be presented and effectively considered in the House if we get this bill over to them by today's action. On the basis of all that I have heard, both pro and con, with regard to this measure, I would support the measure as it comes to us and oppose the pending Motion to delay consideration and hope that the remainder of this body would go along.

Sen. KOROMILAS: I take it there is going to be a hearing on this particular bill?

Sen. NIXON: I would expect there would be. I am sure that between you and me and Sen. Smith and others here, if

the sentiment were expressed strongly enough, there probably would be two hearings on the House side.

Sen. JACOBSON: Is it nominative procedure to have a hearing on an amendment concurrence from either house?

Sen. NIXON: So far as I know, yes. And looking at this measure, it might well be nominative procedure that it would have to be considered by a Committee having to do with its basic subject matter in the House and possibly also by the House Appropriations Committee before final action could be taken on it.

Sen. Lamontagne moved the previous question. Seconded by Sen. Poulsen.

Adopted.

Motion lost.

Amendment Adopted. Ordered to Third Reading.

ENROLLED BILLS REPORT

HB 39, relative to landlord and tenant rights.

HB 65, requiring filing of social security numbers with department of probation.

HB 73, requiring positive action by the New Hampshire Port Authority to pre-empt the authority of towns or cities over ports, harbors or navigable tide rivers.

HB 77, relative to the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature.

HJR 4, authorizing the register of deeds of Strafford County to deliver some of the old record books into the custody of the Woodman Institute for display purposes.

Richard Ferdinando
For The Committee

Adopted.

PERSONAL PRIVILEGE

Sen. KOROMILAS: I have heard today that there is going to be a hearing, at least there is going to be an opportunity afforded to me to appear before a group that is going to consider HB 6. I fully expect it and I think it would be a breach

of faith if I were not allowed to speak on HB 6 before a committee in the House.

Sen Spanos moved that the Senate do now adjourn from the Early Session and that on third reading, all bills be read by title only, and that when the Senate adjourns, it be until Tuesday, March 14, at 1 o'clock and further that when we do so it be with great congratulations to Sens. Bradshaw, Porter, Leonard, Lamontagne, McCarthy and Foley and in deep mourning to Sen. Spanos.

Adopted.

LATE SESSION

Third reading and final passage

HB 6, increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds and authorizing the town of Lincoln to issue emergency notes.

HB 12, relative to insurance on state owned pressure vessels.

HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases.

HB 72, providing that each lobsterman fly his own distinctive colors or paint them on both port and starboard bow.

Adopted.

RECONSIDERATION

Sen. S. Smith moved Reconsideration of HB 6.

Motion Lost.

Sen. Porter moved the Senate adjourn at 3:40 p.m.

Adopted.

Tuesday

14Mar72

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by Senate Chaplain, Rev. William L. Shafer.

O GOD, by Whose grace we live, in Whose love we are kept, to Whose truth we may come when we sincerely seek to find it, we thank Thee that Thou hast given us this marvelous and mysterious universe in which to live, that Thou hast given us healthy bodies and minds, that Thou hast given us men and women to help us when our bodies are weak or impaired; that Thou hast given us work to do and leisure to enjoy; that Thou hast surrounded us with friends to delight in and dear ones to love; that Thou hast given us Thy Kingdom to serve in our daily lives; that Thou hast given us Jesus as our Master, our Saviour, and our Friend. May we show forth our praise and thanks in lives unselfish, generous, more Christlike. In Jesus Christ's name and Spirit we pray. Amen.

Pledge of Allegiance was led by Sen. Spanos.

ENROLLED BILLS REPORT

HB 12, relative to insurance on state owned pressure vessels.

HB 72, providing that each lobsterman fly his own distinctive colors or paint them on both port and starboard bow.

Sen. Ferdinando
For The Committee

Adopted.

SUSPENSION OF THE RULES

Sen. Spanos moved the Rules of the Senate be so far suspended as to dispense with the notice of public hearing, holding of hearing and notice of committee report on: HB 37, HB 41, HB 46, HB 49, HB 56 and HB 66.

Adopted.

COMMITTEE REPORTS

HB 50

providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed. Ought to pass. Sen. S. Smith for Finance.

Sen. S. SMITH: This bill has had a long road through the session. It was introduced into the House and eventually referred to the Committee on Appropriations. At that time, the Motion was passed by both bodies to form a Joint Committee

to study and redraft this bill. The three members of the Senate were Sen. Spanos, Sen. Porter and myself. This bill has passed the House, was brought in here and referred to the Senate Finance Committee. We are reporting it out ought to pass.

What this bill does, in effect, is set up a regional sewage area commission through the State with particular reference to the towns of Meredith, Laconia, Gilford, Sanbornton, Franklin and Tilton. Instead of each of these towns building a separate sewage treatment facility, of which there would be approximately 7, the concept here is to pipe sewage over a 10 year period to a plant within the City of Franklin. This piping would keep sewage effluent, even treated effluent, out of the lakes, with particular reference to the Meredith Bay area and also Winnisquam.

As you are undoubtedly aware, the putrefaction problem in Lake Winnipesaukee has been a very difficult problem and one with which the State and communities involved have been attempting to wrestle for a long time. By the passage of this bill, setting up a regional structure, the State then becomes eligible for 1 million in special sewage treatment money which will be used at the Laconia plant. This special treatment is to get rid of the phosphate content of the effluent, so that we will no longer have the great problem of algae scum and an aging lake.

Let me add this also. As to the financing of this project, it would not be different from what is going on at the present time in smaller local areas. The community will have to pay at least 5% of the retirement of the capital construction cost.

In the last paragraph of the bill, you will note that the City of Laconia is taking the responsibility for the operating costs of this, at least during the first year.

I served on the Joint Committee and also on the Senate Finance Committee and I think that all members of both committees felt this bill is a modern, far-reaching, forward-looking piece of legislation which may have application in other areas of the State to resolve the problems which we are facing with regard to sewage treatment.

Sen. SPANOS: I rise in support of House Bill No. 50 without reservation or equivocation and I must say that I was most proud to have been a member of the special Joint House-

Senate Committee which recommends to the General Court its enactment into law.

You have been ably informed as to the content of this measure from Senator Smith. I shall not duplicate his efforts, but will, instead offer some general observations in the area.

In our belated fight to salvage from pollution the planet we inhabit, I consider this legislation (in the words of Astronaut Neil Armstrong) a small step for man — but a giant step for mankind. But it is only a small beginning.

Today we have smog which kills tall pine trees 60 miles away from Los Angeles; the state bird of Louisiana has vanished due to high concentrations of DDT; tissues of coastal wildlife found off Antarctica show traces of pesticide never used on that continent; the Cuyahoga River in Ohio is so overrun with industrial discharge that it has caught fire twice; in Florida fluorides emitted from phosphate plants are absorbed by cattle and their bone structure so severely damaged they can barely stand; a paper company in Houston emits matter from its smokestack which falls into the drinking water of that community; in St. Louis the air is so filled with oxides, women's stockings dissolve; in Tyrone, Pennsylvania, a mill produces such an unpenetrable blanket of smoke that motorists drive with their windows up and frame homes turn the color of coal; and Lake Erie and Lake Winnisquam, once clear, blue waters are seas of green.

To resolve the crisis which threatens life on earth, we must reverse the philosophy ingrained within our people since the birth of this nation — the worship of growth — the pioneer drive — the striving for more and better things through technological progress. And we must reverse this philosophy by utilizing the very same technology which is helping to create the problem. We must commit to the preservation of our natural environment some of our financial resources. To date, our contributions are not even a drop in a very dirty bucket of water.

In order to rescue our environment, we must learn to consider time in longer stretches — not the old "here today — to hell with tomorrow" attitude — lest we commit earth suicide.

It's poignant; it's nostalgic; it's melancholy; it's ironic — but it's too true — I refer to the TV public service announce-

ment on ecology which pictures the proud American Indian rowing a canoe on what appears to be his unspoiled wilderness. His wistful expression betokens the scene on shore. A tear spills over as his moccasined feet push aside the man-made refuse which has destroyed the landscape. That tear is our sorrow — and it is his "I told you so" — for we took his land and we fulfilled his prediction. We failed to appreciate what nature had willed us and we have desecrated it.

Mr. President, as you are aware, the Bible opens with these words:

> "In the beginning God created heaven and earth. And the earth was void and empty; and darkness was upon the face of the deep."

For God's sake — for mankind's sake — let us not end it as it began — "And the earth was void and empty and darkness was upon the face of the deep."

Sen. GARDNER: Naturally I am for HB 50 being in one of the communities which will benefit from this. However, I firmly believe that the pollution problem, because of the tremendous financial obligations, will never be solved unless communities cooperate. I look upon this bill as a pilot project and I hope it passes.

Sen. PORTER: I rise in support of HB 50. I was privileged to serve on the Special Committee with the House Appropriations and I think we have accomplished the goals of the original intent of the bill. The thing I like best about it is we are not going after the fire fighting action — the short term solution. We are after planned, orderly growth over a period of years which will satisfy the needs of all 8 communties, all within the realm of the least capital cost, capital investment and annual operating costs. And I hope the Senate will go along and support the ought to pass motion on this bill.

Adopted. Ordered to Third Reading.

HB 37

providing workmen's compensation coverage for all volunteer or auxiliary members of fire or police departments, whether paid or not paid. Ought to pass. Sen. S. Smith for Executive Departments.

Sen. S. SMITH: HB 37 deals with providing workmen's

compensation coverage for all volunteer auxiliary members of fire or police department, whether paid or not paid. The Committee on Executive Departments, Municipal & County Governments gave this bill a thorough hearing. We felt that the bill was a worthy one in that it does give some aid and assistance in cases of injury to the men who volunteer to fight fires or who are involved with police work.

I hope the Senate will look favorably upon its passage.
Adopted. Ordered to Third Reading.

HB 46

establishing a line item budget for the city of Manchester. Ought to pass with amendment. Sen. Ferdinando for Manchester Delegation.

AMENDMENT

Amend the bill by striking out the title and inserting in place thereof the following:

AN ACT

establishing a line item budget for the city of Manchester and providing a four year term for the finance officer for the city of Manchester.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Finance Officer. Amend 1846, 384:23 as amended by 1971, 551:1 by striking out in line two the words "a finance officer," so that said section as amended shall read as follows: Section 23. The city council shall also in the month of April annually, in convention, and by joint ballot, elect a collector of taxes, and all other subordinate officers who are not chosen by the inhabitants or appointed by the mayor and aldermen; and shall also fill all vacancies which shall exist in the boards of assessors, assistant assessors, overseers of the poor, or school committee, by reason of a failure to elect by the inhabitants at the annual meeting. The candidates for filling such vacancies shall be determined in the manner provided by the constitution of the state for fixing upon candidates to fill vacancies in the state senate.

5 Election of Finance Officer. Amend 1889, 287:1 as amen-

ded by 1971, 551:2 by striking out said section and inserting in place thereof the following: Section 1. The board of mayor and aldermen shall elect a competent person who shall act as finance officer of said city of Manchester.

6 Incumbent Finance Officer. The incumbent finance officer of the city of Manchester who took office in January, 1972, shall be deemed to have been appointed for a four year term.

7 Referendum. The provision of this act shall not take effect unless it is adopted by a majority vote at the biennial election held in the city of Manchester in November 1972, as hereinafter provided. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot the following question. "Shall the provisions of an act entitled 'An Act establishing a line item budget for the city of Manchester and providing a four year term for the finance officer for the city of Manchester.' passed at the 1972 special session of the legislature be adopted?" Beneath the question shall be printed the word "yes" and the word "no" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of this chapter shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting on this question at said election vote in the affirmative on this question, this act shall be declared to have been adopted. Within ten days after said election, the city clerk shall certify to the secretary of state the result of said vote.

8 Effective Date. Section 7 hereof, relative to the referendum, shall take effect upon passage of this act. If this act shall be adopted in accordance with the provisions of section 7, the remainder shall take effect on January 1, 1973.

Sen. McCARTHY: HB 46 is the controversial Manchester line item budget bill. In the last regular session, we referred it to the Senate Committee on Municipal Governments and it was vacated in the one day session last Fall back to the Joint Manchester Delegation. We have worked it out to the extent now that it would put every department in the City on a line item budget with the exception of the School Department. The School Department would not be on a line item budget. Their money would be appropriated in bulk. They could make in-line transfers with two-thirds of the members of the School Board approving.

Amendment adopted. Ordered to Third Reading.

The amendment to the bill has to do with the Finance Officer, which was approved, extending his office to 4 years and it was unanimously approved by everybody in Manchester.

Sen. MORRISSETTE: I hope that nobody will oppose this bill at this time. I think it has been amended to take care of the main objections. And I agree with the amendment. I support this report wholeheartedly.

Sen. SPANOS: I rise in support of this measure and I join with my Manchester Delegation in support of this bill.

HB 41

relative to voter registration by town and city clerks. Ought to pass with amendment. Sen. Ferdinando for Executive Departments.

AMENDMENT

Amend the title of the bill by striking out the title and inserting in place thereof the following:

An Act

regulating compensation to students in beauty schools.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Amend RSA 314 by inserting after section 16 the following new section: 314:16-a Regulation of Compensation to Students. The board may establish reasonable rules and regulations to regulate what amounts a school may pay a student for any services rendered by him and its authority to do so shall be exclusive. No other state department, board or agency shall have any jurisdiction in this matter. Notwithstanding any other provision of law, students at registered schools shall not be considered employees of such schools for any purpose.

2 Effective Date. This act shall take effect upon its passage.

Sen. FERDINANDO: The Board of Hairdressers may establish reasonable rules and regulations to regulate what amount a school may pay a student. The Committee felt it was a good bill and it should serve in making clear what the statute is and should read. We thought it was a good bill and recommend its passage.

Sen. SPANOS: I do not arise in opposition to the amendment offered by Sen. Ferdinando.

My concern is that HB 41, in its original form, had to do with giving town and city clerks the right to register voters and this amendment has nothing to do with voter registration. It is my understanding that original HB 41 will be added to another bill to be presented in the future. I hope that such is the case because I think original HB 41 has much merit and should be given consideration. I submit that we should make voter registration easier than it is today.

Amendment Adopted. Ordered to Third Reading.

HB 56

relative to the procedure to be followed by medical referees. Ought to pass. Sen. Snell for Public Health.

Sen. SNELL: HB 56 was requested by the Attorney General's Office and was introduced in the House by Rep. Zachos. They felt it was a very important bill at this time seeing that we have a problem in the State of New Hampshire concerning medical examiners. It is so important that in Strafford County the medical examiners in the past have resigned because of the amount of time to determine an accident or a death as far as homicide is concerned. In this case, this bill will give the authority to the medical examiner to designate someone at a time of a death, whether an automobile accident or a badly injured person who has received injury and then later dies, to give the authority to the law enforcement officials to check the situation out to make the proper investigation and, if it is deemed necessary for the medical examiner to come there and take charge — if it is a homicide. By all means he will be on duty at that time. But this bill in the second part will allow individuals from the police departments, the state police or local police, to make this judgment for the medical examiner, move the body to another location so that proper procedures can take place thereafter without the medical examiner taking part in this investigation so far as an accident on our highways. Actually it is just a bill that will make our procedures much better and medical examiners feel we will have more individuals who will participate in this program from the counties. It seems to be a county problem in many areas.

Adopted. Ordered to Third Reading.

HB 49

making appropriations for capital improvements and amending the 1969 capital budget. Ought to pass. Sen. Townsend for Finance.

Sen. TOWNSEND: HB 49 was heard by the Public Works & Transportation Committee and reported out ought to pass with amendment. The amendment called for the issuing of 5 year bonds to finance repairs to the Hampton Beach seawall and other damages at the seacoast area. The bill calls for a total of $105,500 on 20 year bonds and $95,000 on 5 year bonds. The Senate Finance Committee voted HB 49 ought to pass.

Adopted. Ordered to Third Reading.

HOUSE NON-CONCURRENCE IN SENATE AMENDMENT

REQUEST FOR COMMITTEE OF CONFERENCE

On motion of Sen. S. Smith, the Senate voted to accede to the House request for a Committee of Conference on:

HB 6, increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds.

The Speaker has appointed as members of said Committee on the part of the House: Reps. Claflin, Drake and Oleson.

The President appointed as members of said Committee on the part of the Senate: Sens. S. Smith and Spanos.

SUSPENSION OF THE RULES

Sen. Spanos moved the Rules of the Senate be so far suspended as to place on third reading and final passage at this time: HB 37, HB 41, HB 46, HB 49, HB 50 and HB 56.

Adopted.

Third Reading and Final Passage

HB 37, providing workmen's compensation coverage for all volunteer or auxiliary members of fire or police departments, whether paid or not paid.

HB 41, regulating compensation to students in beauty schools.

HB 46, establishing a line item budget for the city of Man-

chester and providing a four year term for the finance officer for the city of Manchester.

HB 49, making appropriations for capital improvements and amending the 1969 capital budget.

HB 50, providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed.

HB 56, relative to the procedure to be followed by medical referees.

Adopted.

RECONSIDERATION

Sen. Spanos moved Reconsideration on HB 37, HB 41, HB 46, HB 49, HB 50 and HB 56.

Motion lost.

RECESS

AFTER RECESS

HOUSE NON-CONCURRENCE IN SENATE AMENDMENT

REQUEST FOR COMMITTEE OF CONFERENCE

On motion of Sen. Townsend, the Senate voted to accede to the request of the House for a Committee of Conference on:

HB 49, making appropriations for capital improvements and amending the 1969 capital budget.

The Speaker has appointed as members of said Committee on the part of the House: Reps. Trowbridge, Weeks and Fortier.

The President appointed as members of said Committee on the part of the Senate: Sens. Townsend and Lamontagne.

SENATE NON-CONCURRENCE IN HOUSE AMENDMENT

REQUEST FOR COMMITTEE OF CONFERENCE

Sen. Porter moved the Senate non-concur in the adoption

of the House amendment and establish a Committee of Conference on:

SB 21, relative to the age of majority.
Adopted.

The President appointed as members of said Committee on the part of the Senate: Sens. Porter, Leonard and Nixon.

SENATE CONCURRENCE IN HOUSE AMENDMENT

Sen. Porter moved the Senate concur in the adoption of the House amendment to:

SB 3, establishing an interim legislative committee to investigate and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution.

Sen. PORTER: The amendment added by the House was to expand the number of members on the study committee feeling that a wider representation was needed. They spoke to me before they adopted the amendment and as sponsor, I did concur.
Adopted.

FURTHER COMMITTE REPORTS

HB 66
providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor. Ought to pass. Sen. Townsend for Finance.

Sen. TOWNSEND: HB 66 provides for the construction of a liquor store at the Hooksett toll gate. The bill calls for a bond issue not to exceed $710,000. The Senate Finance Committee reviewed the bill and recommends its passage.

LAID ON TABLE

Sen. Jacobson moved HB 66 laid on the table.
Adopted.

HOUSE NON-CONCURRENCE IN SENATE AMENDMENT

REQUEST FOR COMMITTEE OF CONFERENCE

On motion of Sen. Ferdinando, the Senate voted to accede to the request of the House for a Committee of Conference on:

HB 41, relative to voter registration by town and city clerks.

The Speaker has appointed as members of said Committee on the part of the House: Reps. MacDonald, Tucker and Keefe.

The President appointed as members of said Committee on the part of the Senate: Sens. Ferdinando and Leonard.

SENATE NON-CONCURRENCE IN HOUSE AMENDMENT

REQUEST FOR COMMITTEE OF CONFERENCE

Sen. Porter moved the Senate non-concur in the adoption of the House amendment and establish a Committee of Conference on:

SB 24, relative to solid waste disposal.
Adopted.

The President appointed as members of said Committee on the part of the Senate: Sens. Porter and Bradshaw.

SUSPENSION OF THE RULES

Sen. Tufts moved the Rules of the Senate be so far suspended as to allow the introduction of committee reports not previously advertised in the *Journal* on: HB 7, HB 44, HB 40, HB 20 and HB 55.
Adopted.

APPOINTMENTS TO COMMITTEES OF CONFERENCE

SB 21, relative to the age of majority.

The Speaker has appointed as members of said Committee on the part of the House: Reps. Zachos, David Bradley, Frizzell, Riley and Healy.

SB 24, relative to solid waste disposal.

The Speaker has appointed as members of said Committee on the part of the House: Reps. Greene, Brown and Burrows.

TAKEN FROM THE TABLE

Sen. Ferdinando moved HB 62 be taken from the table. Adopted.

FURTHER COMMITTEE REPORTS

HB 62

repealing statute on group marketing of motor vehicle insurance. Inexpedient to legislate. Sen. Ferdinando for Banks, Insurance & Claims.

Sen. Ferdinando moved HB 62 be referred to the Joint Committee of the House Committee on Insurance and Senate Committee on Banks, Insurance & Claims for further study.

Sen. FERDINANDO: HB 62 repeals 407-B of the statutes on group marketing of motor vehicle insurance. There was a lot of discussion among the committee members as to what should happen to this particular bill. I believe all of the committee, as of the last hour, agree, in order to better protect the public as well as the insurers, it would be more sensible to have it legislated by statute. We had a hearing on this last week and the Committee had to consider also repealing of some 13 statutes. The amendments were considered by the Committee and we felt that the amendments should not be considered at all. However, we all agreed that HB 62 has a lot of merit and that to arrive at whether or not it should be 50 members as far as group purchasing is concerned; whether it should be 75% participation; whether it should be 50% participation — we unanimously agreed we should consider this and report this with a bill so that the net result will be the public, as well as the insurance companies, will have a hearing both in the House and Senate and we can arrive at a statute that will make a lot of sense for everybody.

Sen. LEONARD: I was unable to be at the hearing on HB 62. Last Friday they had an Executive Session in the anteroom before I got here. I think the present law, Chapter 407-B, is a farce. It allows group marketing if there are 500 in a group

that has been in existence 5 years and 75% of the members participate. I understand that there is nobody in this State who has taken advantage of the present law. I lean toward amending this bill to a group of 50, in existence for a period of two years. I think the public as a whole would be benefitted if group marketing were allowed with figures that could be workable. We certainly have not had time — we had an Executive Session a half hour ago which came up with the suggestion of the Committee Chairman. I don't think that is the real answer, but the fact we do not have the time, this is probably the only way we can take care of the bill today. But I think it should be changed and my preference would be to change it now.

Sen. NIXON: Apparently, HB 62 has had quite an extensive legislative history of which I was unaware until the night before the hearing last week when I received a letter documenting it in some detail. I was not aware there had been an Executive Session last Friday on this bill, but I was present at the hearing and at the informal Executive Session this afternoon which was mentioned by Sen. Leonard.

It appears that in 1969 when this Legislature enacted the present laws providing for group marketing of insurance they, in effect, established roadblocks or hinderances to group marketing insurance since the evidence at the hearing before the Senate Committee last week was that there have been only two or three filings under those statutes and that provisions of the statutes inhibit, if they do not prohibit, group marketing of insurance in that they have, as pointed out by Sen. Leonard, quite stiff requirements in terms of number of members, etc. During this interim period since the last regular session, 5 members of the House Banks Committee, appointed by the Speaker, were an interim study committee and apparently came in with a recommendation that some more progressive and more realistic legislation on this subject be adopted at this session, modeled apparently after a statute in Hawaii or a statute in New York. When the bill got into the House, however, it was amended so as to come to the Senate in the form that it does, which would merely repeal all of the existing legislation on the subject of group marketing and instruct the Commissioner to provide for group marketing through regulations.

I think that it is generally agreed that there is a public interest to be served by the allowance of group marketing of in-

surance in that, generally speaking, there is evidence that the public will be able to get insurance on a cheaper basis if they are within one of the groups so marketed. On the other hand, there is also evidence that the public benefits now from a one-on-one, so to speak, personal advisory situation with their own insurance agent as compared to the insurance agent for the group. So there are ramifications and arguments both ways.

I think also it is generally agreed that, preferable to throwing the subject into the so-called unknown quantity of regulation by a particular individual or department without having any statutory standards, would be the enactment of legislation which is, in fact, realistic and better than that now on the books. This is why I agreed to go along with the recommendation that this subject which has some profound ramifications in terms of the public, in terms of small agents, in terms of preventing group marketing being a device by which particular companies or particular agents have the benefit of skimming or taking the cream of the crop, so to speak — in view of these possibilities, as I indicated, I was willing to go along with the recommendation that this subject in its entirety be made the subject of study by the Joint House and Banks and Insurance Committees with a view toward a recommendation as to improved legislation being made for purposes of the next regular session of this legislature.

Sen. McCARTHY: I would like to speak against the motion to refer it to a special committee. I think that Sen. Leonard stated that the present statute is, in fact, a farce. Sen. Nixon has also said how the limitations now in the statutes are so discriminatory that nobody can engage in any type of mass marketing. There doesn't appear to me to be any question that mass group marketing of automobile insurance is definitely in the consumer's best interest. I think that the major concern here is the fact we are going to have a Commissioner writing regulations and I can't think of a better way to do it. Knowing a little bit about the insurance business and how difficult it really is to keep updated and to keep your legislation current, I think it is almost an impossible task. And I can't think of anybody better to do it than the Commisioner, particularly in view of the fact that the current Commissioner, who supports this bill, has such a record on behalf of the consumer. So, I can't see any real reason why this should be sent to a study committee. I think that

this is probably some kind of a ploy so that agents, etc. can band together and do something. But, if we have a bad piece of legislation that evidently was put on the books for a specific reason against the consumer, I can't see any reason why we just don't wipe it off. This bill did pass the House, as I understand it, and came into the Senate. And I don't think that there was that much of a ground swell of support against it, except for one individual who did some talking on it. But I can't see any reason at all, in view of the fact that the statutes are, as Sen. Leonard said, a farce right now, why the Senate can't go along and improve this just as the House has done.

Sen. DOWNING: You mentioned that the support of the bill as it came into the Senate would benefit the consumer Have you heard any statistics relative to this? What sort of a premium saving could the consumer expect?

Sen. McCARTHY: No, I haven't. But it follows you can go on a group health basis as opposed to an individual and historically in any area where a group is considered, the premiums would be lower. I don't have the statistics to prove it, but I think it is a recognized fact. If you have ever had an individual Blue Cross plan as opposed to a group plan, this is evident.

Sen. NIXON: Are you aware that at the hearing before the Senate Banks & Insurance Committee the only person who spoke on behalf of the bill in the form it came to us was a representative of several major insurance companies and the Insurance Commissioner and no consumer groups, so called, were there?

Sen. McCARTHY: I was unaware of that. And nobody did call me the night before, so I haven't had any lobbying one way or the other as some people have had. I take this just on the basis as I have seen it and I have developed my position within the last two days, but it is pretty clear right now.

Sen. NIXON: Do you disagree with the general legislative principle that, when existing legislation appears to be inadequate for the job it was intended to serve, it should be replaced by better legislation rather than an unknown quantity such as regulation by a particular single individual?

Sen. McCARTHY: Well, if it is an unknown quantity, a

position that has not been filled or a new staff, I might be inclined to agree with you. Frankly, I don't think we have an unknown quantity. I think we have a very able Insurance Commissioner who has done more over the past few years for the consumer than the state of New Hampshire has seen for quite some time. So I am not too sure you are throwing it to an unknown quantity.

Sen. S. SMITH: Sen. Leonard it is my understanding that what the present law does is to allow regulations by statute of those kind of people who would be eligible to receive this group insurance. Is that correct?

Sen. LEONARD: That is correct.

Sen. S. SMITH: When was this law put into existence?

Sen. LEONARD: In 1969.

Sen. S. SMITH: Then, before that, what happened?

Sen. LEONARD: Before that, there was no law allowing group marketing of insurance. I don't know if the law prohibited it. It was not mentioned in the law.

Sen. S. SMITH: If there was no regulatory legislation on the books, would it not follow that it was permissible to have group insurance throughout the state?

Sen. LEONARD: I haven't researched the law, but I would assume that it would be permissible. In my opinion, the law of 1969, which is the persent law, prohibited it by providing that you had to have 500 people, in existence 5 years with 75% of all the members.

Sen. S. SMITH: By having this statute on the books which allows for group insurance with these restrictions, does it not in effect prohibit it?

Sen. LEONARD: It does.

Sen. FERDINANDO: Is it not correct that in the three pages of statutes there are provisions to protect the general public to make sure that if you are going to have a group everybody will be covered; that the insurance companies won't just come in and get the cream of the crop; and it spells out who can participate and who cannot?

Sen. LEONARD: Under the present law, Section 3, Gen-

eral Conditions, it provides that this cannot be mandatory so a person would have to volunteer to get into the group insurance program; each individual would be issued a policy; each individual would be eligible to convert his group policy to an individual policy; an individual cannot be cancelled by the insurance company. So the protections are all there for the individual. However, in my opinion, the fact that you have to have a group of 500 in existence for 5 years with 75% participation practically bars the group marketing of automobile policies.

Sen. DOWNING: Sen. Nixon, I wonder if you could possibly tell me a little more of the history of this area prior to 1969 when this bad legislation was passed and the status of group marketing at that time.

Sen. NIXON: Prior to 1969, there were no laws in New Hampshire one way or the other on group marketing of automobile insurance. According to the testimony at the hearing the other day, it could be done at that time without restriction and, apparently, no attempt was made to do it and the Insurance Department, prior to that time and prior to this time, never took it upon itself to encourage group marketing or establish any regulations in respect thereto. Again, I came into the history of this late. As I understand it, the 1969 legislation, Chapter 407-B, was the first legislative work in regard to group marketing of automobile insurance here in New Hampshire. In the 1971 regular session, HB 597 was introduced. That bill would have amended the existing statutes and replaced them with model legislation based on the Hawaii statute which is considered in this field to be much better, much more acceptable, and much more in the way of allowing group marketing with protections for the public. That was made the subject of this special study by 5 members of the House Banks Committee during the interim, which then resulted in HB 62 as we have it here in the Senate today. That, to my knowledge, is my thumbnail sketch of the history of group marketing. I understand under the existing legislation there have been 2 or 3 filings — requests to initiate group marketing of automobile insurance in New Hampshire and one of the filings was withdrawn and the other one apparently is in some nebulous state in the matter of negotiation between the filer and the Insurance Department.

Sen. DOWNING: The legislation passed in 1969, was it legislation as it was submitted or was it legislation as it was amended?

Sen. NIXON: I would not know the history of the 1969 legislation or what was done to it during that session.

Sen. LEONARD: I think I could answer Sen. Downing's question. My memory is that the original bill in the House in 1969 provided for a group of 25. It passed the House with a higher number like 100 and it came into the Senate and was changed to 500.

Sen. DOWNING: Then would it appear that the actual legislation which was introduced in 1969 might have been very definitely in the consumer's best interest but other interests prevailed in raising that to make it the ridiculous legislation it turned out to be?

Sen. LEONARD: Well, as I said, the higher the number of the group, the harder it is to get group marketing.

Sen. DOWNING: On that basis, it would be in the best interest of the consumer to repeal this legislation rather than throw it into a study committee at this point?

Sen. LEONARD: I think it is worth giving it a go. However, I am not that familiar with all the pros and cons and it is too bad we don't have more time to get into it. That is the only problem I have.

Sen. McCARTHY: I think by now it is probably clear to most of us that something mysterious happened a couple of years ago. Sen. Nixon has just spoken about the model legislation and the attempt to enact some model legislation patterned after the State of Hawaii which ran into a problem; the fact that a good piece legislation two years ago evidently did make it out of the House and when it got into the Senate was increased. What I am saying right now is this is a chance to act in the consumer's best interest, to wipe out a bad piece of legislation which should not be on the books at all. I think we have the opportunity and the responsibility to do it right now. I think if you send it to a special study committee for 6 months, there are going to be all kinds of problems involved, etc. and we never will get some legislation which will enable good constructive group marketing of automobile insurance. I do think

it is the Senate's responsibility right now to wipe out that bad piece of legislation that is in the State statutes.

Sen. DOWNING: I rise in opposition to the Committee report and I support the position taken by Sen. McCarthy. It is apparent to me that when this legislation was introduced in 1969, it was in the consumer's best interest but by the time it was finished, it was in somebody else's best interest and certainly not the consumer's. And it is time that it was changed back and eliminated. It is a bad law and I think we ought to remove it from the books as soon as we can.

Division Vote: 9 Yeas; 9 Nays.
Motion Lost.

Sen. McCarthy moved the words "Ought to pass" be substituted for the Committee Report "Inexpedient to legislate."

Sen. McCARTHY: For basically the same reasons we have discussed, we should enact this piece of legislation and get the 1969 law off the books.

Sen. POULSEN: I wish to speak against the motion of Sen. McCarthy. One thing that has not been brought up is the fact there is no regulations I know of in the bill as it is now, that would prohibit the skimming of insurance policies by mass marketing. Supposing a company chose only the people who have had one accident in 3 years, for instance? The remainder would have to get their insurance from dealers; the dealers would not be happy; they would be on an unpreferred list, you might say; and it would be that much harder. I think there is more study needed on this matter. I don't think, particularly now in this special session, it is the time to try to change anything. Everything is going nicely for the moment. Why don't we leave it to be studied and to be brought in at the next session?

Sen. McCARTHY: Do I infer from your remarks that you lack some confidence in the ability of the administration of the Insurance Department to write proper regulations to control the situation so that the things you are citing would not happen? Do you think that they would be competent to do that?

Sen. POULSEN: In whatever industry is being discussed, I would think the industry should be represented and I am not sure they will be in a case like this. You are leaving it to the

mercies of the Commissioner. I would like to see a study made that was broad enough to encompass the industry, the consumer and everyone so that all are protected, not just one segment.

Sen. McCARTHY: Do you think the Commissioner and the Insurance Department are too consumer-oriented as opposed to insurance companies?

Sen. POULSEN: I would not say that. I would just like to see a broader study made than a directive of the Commissioner would be.

Division Vote: 8 Yeas; 14 Nays.
Motion Lost.

LAID ON THE TABLE

Sen. S. Smith moved HB 62 be laid on the table.
Adopted.

SUSPENSION OF THE RULES

Sen. Porter moved the Rules of the Senate be so far suspended as to allow the introduction of committee reports not previously adevtised in the *Journal* on: HB 4, HB 24 and HB 68.

Adopted.

HOUSE CONCURRENCE

SB 4, increasing fees that ski tow operators pay.

SB 14, making an appropriation from the Nesmith Trust Fund and changing the annual appropriation therefrom.

SB 19, relative to sale of liquor at golf clubs, indoor tennis clubs, racquet clubs and nonprofit clubs.

SB 20, to license private detectives and private detective agencies.

SB 25, to provide penalties for violation of the disclosure of information laws relating to horse and greyhound racing, and to amend the provisions relating to disclosure of information.

SJR 1, establishing an interim committee to study the

role of the judiciary relative to the concept of the separation of powers.

HOUSE CONCURRENCE IN SENATE AMENDMENTS

HB 10, state aid for sewage disposal facilities.

HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases.

HB 45, authorizing payment of relocation assistance in eminent domain takings in which federal funds are involved and relative to New Hampshire Distributing Agency.

HB 46, establishing a line item budget for the city of Manchester and providing a four year term for the finance officer for the city of Manchester.

HJR 3, to authorize certain cities to verify their checklists in 1972 rather than in 1973.

HOUSE NON-CONCURRENCE

SB 22, relating to legislative ethics.

FURTHER COMMITTEE REPORTS

HB 4

relative to public outdoor entertainment. Ought to pass. Sen. Porter for Recreation & Development.

Sen. PORTER: HB 4 adds a new section to RSA 286. As explained by the sponsor of the bill, it will require that anyone requesting a license for an outdoor activity shall appear before a licensing committee or the selectmen and furnish a bond for the extra added expense the city or town might incur during the course of such activity.

The second part of the bill adds the words "or promote any public competition" and the series of requirements for licensing shows an open air meeting. There was no opposition to the bill at the hearing and the Committee urges its adoption.

Sen. NIXON: I wish to speak in support of the bill as discussed by Sen. Porter. The reason for the bill arises out of the experience of the town of New Boston last Spring when we had the all-time New Boston rock festival. The net result to the town was some hundreds of dollars of expense in terms of police

protection, etc. over and above what the applicant for the license had been required to post under existing state law. I think the purpose of it, in a broader sense, is to protect all of our smaller communities against running up a deficit on account of having, or being subjected to, one of these festivals of any kind where thousands of people congregate suddenly and leave pretty much of a mess behind. I think the purposes of the bill are good and it should be supported.

Sen. MORRISSETTE: With reservations, I am voting for the bill as an emergency measure. But I am very much concerned this will give the selectmen tremendous authority and if they want to restrict the American Legion from holding a parade they can and it will be a very serious restriction on our constitutional rights. However, I think the legislators could probably draft a bill in the future in the coming session to take care of their needs and also protect our rights under the constitution. But the bill as it is now is very dangerous in that it gives the selectmen the right to demand a bond and there is no limit on the amount of bond they can demand. Therefore, they could restrict anyone from holding any kind of a parade or demonstration or anything. But, as I said, as an emergency measure, I do concur and go along with it.

Adopted. Ordered to Third Reading.

HB 20

providing that children of prisoners of war in South East Asia be given free tuition in the state institutions of higher learning. Ought to Pass with Amendment. Sen. Lamontagne for Ways & Means.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Free Tuition. Amend RSA 187 by inserting after section 14 the following new section: 187:14-a Tuition Waived. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged or captured by the enemy during the South East Asian conflict, any child, of such person, enrolled after the effective date of this section, in the University of New Hampshire, or Plymouth

State College or Keene State College shall, so long as said person is so reported, listed, interned, beleaguered, besieged or captured, not be required to pay tuition for attendance thereat. Any person entitled to free tuition under this section shall apply to the board of trustees of the university system and said board may require such proof as they may deem necessary in order for a person to qualify for free tuition hereunder.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Technical Institutes and Vocational-Technical Schools. Amend RSA 188-A by inserting after section 8 (supp) the following new section: 188-A:8-a Tuition Waived. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged or captured by the enemy during the South East Asian conflict, any child of such person, enrolled after the effective date of this section in a technical institute or a vocational-technical institute shall, so long as said person is so reported, listed, interned, beleaguered, besieged or captured, not be required to pay tuition for attendance thereat. Any person entitled to free tuition under this section shall apply to the state board of education and said board may require such proof as they deem necessary in order for a person to qualify for free tuition hereunder.

Amendment Adopted.

LAID ON TABLE

Sen. Lamontagne moved HB 20 be laid on the table.
Adopted.

FURTHER COMMITTEE REPORTS

HB 24

establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles. Ought to pass. Sen. Morrissette for Recreation & Development.

Sen. MORRISSETTE: This bill is in two parts. The first part establishes a committee to study and examine the control

of snowmobiles. Snowmobiles will go up to somewhere around 35,000 in the coming year, with a multiple of new problems. The committee will be composed of 3 members of the House, 2 from the Senate, Commissioners of DRED, Safety, and of Fish & Game, Presidents of the New Hampshire Snowmobile Association and the Landowners' Association and 2 members at large. This committee will make a study and come up with laws for the next session in 1973.

The second part of the bill is the reallocation of the funds wherein the majority of the funds went to Fish and Game and to the General Fund. The sportsmen and the people who pay the fees on snowmobiles felt some of the funds should be allocated to DRED to create trails and another portion of the funds should go to Safety for all the work they do. So the breakdown now, under the new set up, is that $3 will go to Fish and Game; $1 to Safety; $4 to DRED and the balance to the General Fund.

This is a bill that the sportsmen have had coming for a long time. I have received a number of calls from various people who are interested in that they have no place to drive and utilize their snowmobiles. The Committee felt the bill ought to pass.

Adopted. Referred to Finance Committee.

HB 55

exempting the real and personal property of the Nashua Historical Society from taxation and repealing the limitation on the amount of property said society may hold. Ought to pass. Sen. Tufts for Ways & Means.

Sen. TUFTS: This bill applies solely to the Nashua Historical Society. As is the custom in a number of communities, the Historical Society and its buildings are not taxed. It seems a worthwhile civic venture and the Historical Society of Nashua has its abated taxes now by the city so the city apparently recognizes this is something that is worthy and the Senate Ways & Means Committee feels the property should be exempted from taxation and the amount of value of their property should also be repealed so that they may hold as much property in value as they may be able to accommodate.

Adopted. Ordered to Third Reading.

TAKEN FROM THE TABLE

Sen. Jacobson moved HB 66 be taken from the table.
Adopted.

Second Reading

HB 66, providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett Toll station and making an appropriation therefor.

Sen. Jacobson moved adoption of an amendment.

Sen. JACOBSON: In the last session of the Legislature, I introduced a bill which is precisely the same bill as this amendment. It went before the Ways & Means Committee, had the approval of the Ways & Means Committee and was sent to Finance from whence it did not come. At that time, I presented material to the Ways & Means Committee in which the Liquor Commission had presented material which supported the view that a liquor store situated in the town of New London would be a profitable situation and would bring in additional income. A number of townspeople of New London have been in contact with the Commissioner so he is well aware of this and I am proposing this amendment. If it is accepted and there is a Committee of Conference, then there could be further discussion about the liquor store there based upon what is available in terms of finances.

I had thought that there was to have been a Committee hearing on HB 66 in the Finance Committee. I had waited until that time because that seemed to be the issue — the financing of it. However, I found out yesterday there was not to be a hearing on HB 66 in the Finance Committee and, therefore, this was the only avenue open to me. I hope my colleagues will go along with this legislation.

Sen. SPANOS: I rise in opposition to the amendment being proposed by Sen. Jacobson to have a liquor store in the town of New London and I do so largely because I do not feel there is enough historical background to warrant the addition of a liquor store in New London. I don't know that there are any plans that have been evolved relative to it. I don't even know if the figure of $50,000 will build such a structure. But the thing that bothers me most of all about this is that I am concerned that if we, in fact, amend HB 66 to include the New London store, then I think there shall be a flurry of amendments to add other liquor stores in the area with no rhyme or reason for their being. That could happen in the House and the net result may

very well mean we have a proliferation of liquor stores or the Hooksett liquor store may go down Route 89.

Sen. SNELL: Did Sen. Jacobson introduce a measure such as this in the last session of the Legislature?

Sen. SPANOS: I think I heard the same testimony as you did a few minutes ago and Sen. Jacobson indicated he did introduce such a measure.

Sen. SNELL: Didn't Sen. Jacobson at that time indicate that the study made by the State Liquor Commission's office indicated that the town of New London could actually support a liquor store?

Sen. SPANOS: I can't remember that at all.

Sen. FERDINANDO: I rise in support of the amendment. I think the State needs revenue. We do not know of any liquor stores that aren't producing revenue and I am sure if we had a liquor store in the town of New London, the State could make some money and we could justify being here and pay for some of the expenses we have had by having this special session. I am all in favor of it.

Sen. R. SMITH: I rise in opposition to the pending amendment. I do so to explain the stand of the Finance Committee and why it did not have a hearing. It was felt, probably by me, that the fact that the bill had a public hearing in the House Public Works Committee and had a hearing in the Senate Public Works Committee, it was not necessary for the Senate Finance Committee to hold a hearing. I did offer Sen. Jacobson the opportunity to appear before the Committee while we met this morning for approximately an hour and a half. Sen. Jacobson did not appear, but I am sure it is because he had other committee duties to attend to.

Sen. SNELL: I am not sure if you are aware, but about two weeks ago in the newspapers the State Liquor Commissioner reported that the State of New Hampshire would have the largest liquor store in the United States, even before we voted on this piece of legislation. Are you aware of this?

Sen. R. SMITH: Only vaguely. You don't mean to say that this "largest liquor store" would be in New London, however?

Amendment Lost. Ordered to Third Reading.

FURTHER COMMITTEE REPORTS

HB 68

relative to permitted earnings for retired teachers and state employees and qualifying the commissioner of safety as a policeman member of the New Hampshire retirement system. Ought to pass with Amendment. Sen. R. Smith for Finance.

(See House Journal, March 15, for amendment).

Sen. R. SMITH: I would like to address myself to the two amendments which the Finance Committee made on this bill this morning. I think you are all aware of the main part of the bill because it came through the Ways & Means Committee and passed this chamber a day or two ago.

Part 2, which refers to the Commissioner of Safety — I think there was some debate in this Chamber on this a few days ago. We are proposing an additional amendment and that says "providing that he was a group II member of the New Hampshire retirement system at the time of his appointment." I am sure you are all aware of the unique case of Commissioner Flynn where he has been a member of the Police Retirement System for 23 years. There was some reluctance to start a precedence of adding Commissioners of Safety to this. We think we have overcome this objection with the words we have added here which will apply to this one particular case only.

The second part of the amendment has to do with retiring teachers. Through a fluke in the law, for want of a better word, teachers retiring this year or at some time in the next 5 years are being deprived of some of their entitlement under retirement, because of the wage-price freeze which was in effect in in the month of September. The present legislation says that the annual salary for a teacher is based on the first month's earnings in the fiscal year. The first month for teachers is September. When the wage-price freeze was relaxed, teachers were entitled to their pay raise, which they received, so their true annual earnings are not the month of September times 12 or times 10, however they compute them. This bill provides a section in the law so that teachers can figure their past 5 years accordingly to the true annual salary rather than an artificial figure caused by the wage-price freeze?

Sen. JACOBSON: There will be some figure other than the actual figure caused by the wage-price freeze?

Sen. R. SMITH: The other figure will be the true annual wages.

Sen. JACOBSON: What is the true annual wage?

Sen. R. SMITH: It depends on the salary of the teacher. If a teacher makes $12,000 a year, it is $12,000. Could you rephrase the question so that I could be more explicit?

Sen. JACOBSON: I don't understand the reference to the wage-price artificial salary as against the true.

Sen. R. SMITH: In computing the salary of a teacher for this past year, because of the peculiar language of the law now, the retirement people have to use a September figure — whatever the wage rate was for the month of September. Now the wage rate of a teacher for the month of September was at a frozen level so, in fact, wage increases that were granted are not reflected because of that.

Sen. JACOBSON: If I understand you correctly then, it is the wage increases that are granted after November 15 that you are to take into account.

Sen. R. SMITH: No. I think some wage increases may have been granted before that but they were not permitted because of the freeze. They would be more reflective of the wage level last year.

Sen. JACOBSON: When the freeze went off in November, they got some increases?

Sen. R. SMITH: Yes.

Sen. JACOBSON: So it will be that salary that is calculated.

Sen. R. SMITH: This, I believe, is true.
Amendment Adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Sen. Jacobson moved the Rules of the Senate be so far suspended as to allow the introduction of a committee report not previously advertised in the *Journal* on: HB 71.
Adopted.

FURTHER COMMITTEE REPORTS

HB 71
relative to the acquisition and disposal of industrial facili-

ties. Ought to pass with Amendment. Sen. Poulsen for Executive Departments.

AMENDMENT

Amend the first sentence of RSA 162-G:1 as inserted by section 1 of the bill by striking out the word "county" so that said sentence as amended shall read as follows:

In any city or town which adopts the provisions of this chapter that city or town shall have all of the authority, powers, duties and responsibilities set forth therein.

Amend RSA 162-G:1, I, as inserted by section 1 of the bill by striking out the same and by renumbering paragraphs II and III to read paragraphs I. and II.

Amend RSA 162-G:2 as inserted by section 1 of the bill by striking out the word "counties" so that said section as amended shall read as follows:

162-G:2 Declaration of Need and Purpose. It is hereby declared that there is a need for the development of industrial, manufacturing and warehouse facilities within the state in order to alleviate and prevent unemployment, to insure the continued growth and prosperity of the state, and of the cities and towns within the state and to promote the general welfare of all its citizens. It is the purpose of this chapter to authorize the cities and towns of the state to foster and encourage the development of industrial facilities within or without their respective boundaries, acting directly or through a voluntary, nonprofit corporation, alone or in concert with one or more other governmental units, by acquiring, developing, expanding, leasing and disposing of such facilities, where such development is more appropriate under this chapter than under RSA 162-A or RSA 162-E. It is further declared that the acquisition of title to such facilities, either directly or through a voluntary, nonprofit corporation, and the lease or sale of such facilities as provided hereunder is a public purpose and shall be regarded as performing an essential governmental function in carrying out the provisions of this chapter. However, competition among communities in this state merely for the purpose of seeking relocation of industrial facilities located in this state is contrary to the policy of this chapter.

Amend RSA 162-G:3, III by striking out the word "county" so that said paragraph as amended shall read as follows:

III. "Governmental unit" shall mean a city or town.

Amend RSA 162-G:7, II as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

II. Bonds shall bear the manual signature of the mayor and city treasurer if issued by a city having a mayor-council form of government, of the city manager and city treasurer if issued by a city having a manager-council form of government and of the chairman of the board of selectmen and the town treasurer if issued by a town; and interest coupons, if any, shall bear the manual or facsimile signature of the treasurer in each case. Bonds shall also bear the seal of the governmental unit or a facsimile thereof. Bonds executed as herein provided shall be valid notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to hold office.

Amend RSA 162-G:10, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

162-G:10 Action by the Governmental Unit. All actions by the governmental unit shall be authorized as follows: In the case of a city, action shall be authorized by a majority vote of all the duly-elected members of the city council; in the case of a town, action shall be authorized by a majority of the registered voters present and voting at a regular or duly-called special town meeting. Action under this chapter may be in concert with the industrial development authority acting under RSA 162-A or RSA 162-E or projects may be sold to such authority at any time during their development. Industrial facilities may be located outside the boundaries of the governmental unit undertaking the project if such projects are approved by the governing body of the governmental unit in which they are located in the manner set forth above. No action may be taken by a town less than fifteen days after the hearing or by a city less than seven days.

Sen. POULSEN: The original bill gives towns and counties and other municipalities the right to establish an IDA of their own to buy and sell land with the permission of the town. The

amendment to this bill exempts counties. It gives towns and cities the right to do this on a majority vote if a bond issue is involved. It is the old rule of two-thirds to have a bond issue. It makes it possible for towns to act as scouts for the IDA; in other words, to buy up industrial property that is of use to them. We urge its passage as amended.

Amendment Adopted. Ordered to Third Reading.

HB 43

making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, and non-academic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof. Ought to pass with Amendment. Sen. R. Smith for Finance.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, certain state officers, and non-academic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof, amending the duties of the director of the division of accounts, making an appropriation for the non-public school study commission, making an appropriation for the committee on legislator orientation, and authorizing an agreement with Ohio state university veterinary school to enroll New Hampshire residents and making an appropriation thereof.

	FISCAL 1972		FISCAL 1973	
Amend the bill by striking out section 2 and inserting in place thereof the following:				
2 Judicial branch:				
I Supreme court:				
Current expenses	$ ---		$ 4,000	
Travel:				
Out of state	---		1,000	
Other expenditures:				
N. H. Supreme Court Reports	1,350		4,850	
Total		$ 1,350		$ 9,850
II Administrative Committees		500		1,000
III Superior court:				
Other personal services:				
Other	$ 800		$ 1,000	
Current expenses	5,500		6,000	
Travel:				
In-state	9,000		10,000	
Total		15,300		17,000
Total for Judicial branch		$ 17,150		$ 27,850
Amend the bill by striking out section 3 and inserting in place thereof the following:				
3 Executive office:				
I Office of state planning:				
(a) Division of state planning:				
Personal services:				
Permanent	$ ---		$ 34,895	
Other	---		49,895	
Current expenses	1,000		8,000	
Travel:				
In-state			1,500	
Out of state	200		1,400	
Equipment			5,500	

Other expenditures:				
New England River Basin Commission	$ 3,000		$ 5,000	
Planning assistance for regional planning commissions			190,000	
Total	$ 4,200		$ 296,190*	
Less estimated federal revenue	---		144,895	
Total for office of state planning		$ 4,200		$ 151,295
Total for executive branch		$ 4,200		$ 151,295

* In this appropriation $289,790 shall be expended contingent upon a 50% matching reimbursement from federal.

Amend section 5, I and 5, II of the bill by striking out the same and inserting in place thereof the following:

5 Administration and Control:

I Division of Budget and Control:				
Other expenditures:				
New England Board of Higher Education:				
Grants	$ 25,000		$ 50,000	
Expenses	27,283		28,094	
Expenses for Board	300		300	
Indigent defendants	35,000		40,000	
Commission on the status of women	5,000g		---	
Total		$ 92,583		$ 118,394
II Division of Accounts:				
Other personal services:				
Other	$ 7,500		$ 16,000	
Other expenditures:				
Accelerate processing time of current existing payroll system by using the central computer facility and at the same time design and implement a new Personnel/payroll system and a fully integrated fiscal accounting system.	32,000ca		182,605ca	
Total		$ 39,500		$ 198,605

Further amend section 5 of the bill by striking out the line "total for administration and control $102,083 $403,093" and inserting in place thereof the following:

(Total for administration and control	$ 132,083	$ 415,698)

	FISCAL 1972	FISCAL 1973

g. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1973.

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Agriculture:		
I Bureau of weights and measures:		
Equipment	$ 19,045	$ 0
II Division of Markets and Standards:		
Current expenses	1,725	1,725
III Meat Inspection Service:		
Travel:		
In state	2,900	2,900
Total	$ 23,670	$ 4,625
Less estimated federal funds	1,450	1,450
Net Appropriation	$ 22,220	$ 3,175

Amend the bill by striking out in section 8, I the line "Special counsel - CAB hearing $20,000f ---" and inserting in place thereof the line:

(Special counsel - CAB hearing and any related expenses $ 20,000f $ ---)

Further amend section 8 by striking out all after paragraph IV and inserting in place thereof the following:

V Eminent domain - special counsel	$ 30,000*	$ ---
Total	$ 51,380	$ 58,811
Less transfer from highway fund	30,000	---
Total for attorney general'a department	$ 21,380	$ 58,811

f. This appropriation shall not lapse until June 30, 1973.

* This appropriation shall not lapse until June 30, 1973 and shall be a charge againat the highway fund.

Amend the bill by striking out section 10, I(b) and inserting in place thereof the following:

(b) Blind services:			
Current expenses	$ ---	$ 1,575	
Other expenditures:			
Education of blind	---	40,367	
Total	$ ---		$ 41,942

Further amend section 5 of the bill by striking out the line "Total for Vocational rehabilitation $ --- $161,713"and inserting in place thereof the following line

(Total for Vocational rehabilitation	$ ---	$ 177,635)

Further amend section 10 of the bill by inserting after paragraph II the following new paragraph:

III Aids to districts:		
(a) Child benefit service aid--dual enrollment		$ 300,000
(b) School building construction		700,000bp
Net Appropriation		$1,000,000

Further amend section 10 by renumbering paragraphs III and IV to read IV and V and by striking out the line "Net appropriation for board of education $11,740 $407,793" and inserting in place the following line:

(Net appropriation for board of education	$ 11,740	$1,423,715)

Amend section 12 of the bill by striking out paragraph II (a) (3) and inaerting in place thereof the following:

(3) Other expenditures:		
Grants to community mental health services	$ ---	$ 225,000aa
Total	$ -0-	$ 225,000

Further amend aection 12 by atriking out paragraph II (a) (5) by striking out the same and the line "total for administration $1,000 $201,604" and inserting in place thereof the following:

	FISCAL 1972		FISCAL 1973	
(5) Office of mental retardation:				
Current expenses	$ ---		$ 500	
Travel:				
In state	---		1,000	
Other expenditures:				
Grants to community development centers for mentally retarded	---		22,500	
Total for office of mental retardation		$ ---		$ 24,000
Total for administration		$ 1,000		$ 261,604

Further amend section 12 by striking out paragraph II (c) and inserting in place thereof the following:

(c) New Hampshire hospital:				
(1) Administration:				
Other personal services:				
Permanent	$ ---		$ 9,265	
Total		$ 0		$ 9,265
(2) Custodial care:				
Personal services:				
Permanent	$ ---		$ 12,338	
Total		$ 0		$ 12,338
(3) Professional care and treatment:				
Personal services:				
Permanent	$ ---		$ 117,114	
Other	---		15,000	
Other expenditures:				
Research	5,512		5,512	
Total		$ 5,512		$ 137,626
Total for New Hampshire hospital		$ 5,512		$ 159,229
Total for division of mental health		$ 6,512		$ 513,925

Further amend section 12 by striking out paragraph III (e) and inserting in place thereof the following:

(e) Maternal child health and crippled children's services:				
Other expenditures:				
Cystic fibrosis	$ 10,000		$ 25,000	
Total		$ 10,000		$ 25,000

Further amend section 12 by inserting after III (f) the following new paragraph:

(g) Air pollution				
Personal services:				
Permanent	$ ---		$ 77,458	
Other	---		10,500	
Current expenses	---		5,945	
Travel:				
In state	---		9,000	
Out of state	---		1,500	
Equipment	---		13,597	
Other expenditures:				
Commission expenses	---		2,500	
Training	---		7,500	
Total	$ ---		128,000	
Less estimated federal funds	---		96,000	
Net appropriation		$ 0		$ 32,000

	FISCAL 1972	FISCAL 1973

Further amend section 12 paragraph III by striking out the linea "Net appropriation for division of public health services $9,800 $48,584" and inserting in place thereof the following:

(Net appropriation for division of public health services	$ 19,800	$ 95,968)

Further amend section 12 by striking out paragraph IV (d) and the line "Total for N. H. Home for the Elderly $6,000 $37,683" and inserting the line

(Total for N. H. Home for the elderly	$ 6,000	$ 20,535

Further amend section 12 by striking out paragraph V and inaerting in place thereof the following:

V Division of Welfare:
(a) State office
(1) Office of director
Other expenditures:

Social security	$ ---	$ 9,000
Blue cross & insurance	---	1,200
Employees' retirement	---	6,250
Total	$ 0	$ 16,450

(2) Assistance payments				
Grants				
Old age assistance	$ ---		$ 802,765	
Less local share	---		200,691	
Less federal share	---		476,522	
Net appropriation	0		125,552	
Old age assistance aliens	---		70,353	
Less local share	---		28,592	
Less federal share	---		41,761	
Net appropriation	0		0	
Aid to needy blind	---		41,280	
Less federal share	---		24,504	
Net appropriation	0		16,776	
Aid to permanently and totally disabled	---		87,036	
Less local share	---		30,463	
Less federal share	---		51,665	
Net appropriation	0		4,908	
Total Grants		$ 0		$ 147,236
Total Assistance Payments		$ 0		$ 147,236
(3) Business Management				
Personal services:				
Permanent	$ ---		$ 11,752	
Equipment	---		250	
Total		$ 0		$ 12,002
Total State Office		$ 0		$ 175,688

	FISCAL 1972		FISCAL 1973	
(b) Field Services:				
Assistance payments				
Personal services:				
Permanent	$ ---		$ 163,176	
Travel:				
In state	---		1,100	
Out of state	---		50	
Equipment	---		15,000	
Total		$ 0		$ 179,326
Total Field Services		$ 0		$ 179,326
Total for Division of Welfare		$ 0		$ 355,014
Less transfer re administration from federal grants		0		103,889
Net appropriation for division of welfare		$ 0		$ 251,125
Total for Department of Health and Welfare		$ 43,203		$ 903,632

aa These funds shall not be expended for any other purpose, shall be non-lapsing in the first year of the biennium, and if sufficient funds are not available for both years of the biennium for full implementation, these funds shall be prorated.

af For the fiscal years ending June 30, 1972 and June 30, 1973 the share which a county or town must reimburse the state for old age assistance to aliens for which such county or town is liable shall be one hundred percent of the non-federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1973.

ag For the fiscal years ending June 30, 1972 & 73, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1973.

Amend the bill by striking out section 13 and inserting in place thereof the following:

13 Industrial development authority:				
Personal services:				
Other	$ 500		$ 750	
Current expenses	1,200		2,520	
Travel:				
In state	800		1,500	
Out of state	100		500	
Equipment	---		575	
Total for industrial development authority		$ 2,600		$ 5,845

Amend the bill by striking out section 14 and inserting in place thereof the following:

14 Industrial school:				
I Custodial care:				
Personal services:				
Other	$ 8,000		$ 25,000	
II Operation of plant:				
Current expenses	3,000		3,000	
Equipment	2,000		---	
Total for industrial school		$ 13,000		$ 28,000

Amend the bill by striking out section 16 and inserting in place thereof the following:

16 Liquor commission:				
I Stores operation:				
Personal services:				
Other	$ 125,000		$ 125,000	
Other expenditures:				
OASI and retirement	6,500		6,500	
Total		$ 131,500cb		$ 131,500cb
II Warehouse:				
Personal services:				
Other	$ 15,000		$ 15,000	
Other expenditures:				
OASI and retirement	780		780	

	FISCAL 1972	FISCAL 1973
Total	15,780	15,780
Total for liquor commission	$ 147,280	$ 147,280

cb. Working hours of individual store employees shall be so assigned as to most effectively, efficiently and economically provide for adequate customer service requirements in each store within the limits of funds appropriated herein.

Amend the bill by striking out section 17 and inserting in place thereof the following:

17 Personnel department:		
Current expenses	$ 500	$ 600
Total for personnel department	$ 500	$ 600

Amend the bill by striking out section 18 and inserting in place thereof the following:

18 Board of probation:		
I Administration:		
Other personal services:		
Permanent	$ 1,152	$ 4,659
Current expenses	6,895	15,480
Equipment	710	---
Travel:		
In state	2,000	2,500
Total for board of probation	$ 10,757	$ 22,639

Amend the bill by striking out section 20 snd inserting in place thereof the following:

20 Public works and highways:		
I Administration:		
Personal services:		
Permanent	$ ---	$ 16,212

II	Engineering:			
	Personal services:			
	Permanent	$ 1,107		$ 30,862
III	Land and buildings	$ ---		$ 50,000
IV	Road Maintenance			
	Personal services:			
	Permanent	$ ---	$ 72,540	
	Travel:			
	In state	---	2,250	
	Total	$ 0		$ 74,790
V	State funds:			
	State aid reconstruction	$ 250,000		$ ---
VI	Construction and reconstruction:			
	Matching funds (federal aid):			
	Secondary	$ 420,000a		$ ---
VII	Debt Service	$ ---		$ 920,000a
VIII	Legislative specials:			
	Safety department - for commissioner, division of motor vehicles, state police and safety services	$ 327,198	$ 514,275	
	Attorney general - for legal service	30,000	---	
	Total	$ 357,198		$ 514,275
Total for public works and highways		$1,028,305		$1,606,139
Less estimated revenue and balance:				
Available from estimated lapses and balance		$1,028,305		1,606,139
Net appropriation for public works and highways		$ - 0 -		$ - 0 -

a. The funds in this appropriation shall not be transferred or expended for any other purpose.

	FISCAL 1972	FISCAL 1973

Amend the bill by striking out in section 23, paragraph I, (b) and inserting in place thereof the following:

(b) Design, development and maintenance:		
Other expenditures:		
Reconstruction and repairs at		
Bear Brook State Park	$ 15,500g	$ ---

Further amend section 23 by striking out footnote a. and inserting in place thereof the following:

g. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1973.

Amend the bill by striking out section 24, paragraph I and inserting in place thereof the following:

I Office of commissioner:				
(a) Administration:				
Personal services:				
Permanent	$ 6,100		$ 19,153	
Travel:				
In state	1,500		---	
Other expenditures:				
OASI, retirement, blue cross and insurance	610		2,000	
Total	8,210		21,153	
Less transfer from highway fund	7,800		20,095	
Net appropriation		$ 410		$ 1,058
(b) Data processing section:				
Personal services:				
Permanent	$ 2,858		$ 8,874	
Current expenses	1,000		3,500	

Other expenditures:				
Automation of motor vehicle registration	$ 16,000ca		$ 104,000ca	
OASI, retirement, blue cross and insurance	285		900	
Total	$ 20,143		$ 117,274	
Less:				
Estimated federal funds	---		20,000	
Transfer from highway fund	20,143		97,274	
Net appropriation		$ - 0 -		$ - 0 -
Total for office of commissioner		$ 410		$ 1,058

Further amend section 24 by striking out paragraph II, (a) and inserting in place thereof the following:

II Division of motor vehicles:				
(a) Administration:				
Personal services:				
Permanent	$ 15,167		$ 47,523	
Other	12,000		12,000	
Current expenses	72,000*		72,000*	
Equipment	2,500		2,500	
Other expenditures:				
OASI, retirement, blue cross and insurance	1,517		4,800	
Total		$ 103,184		$ 138,823

Further amend section 24, paragraph II by striking out the lines

"Total for division of motor vehicles		$ 167,755		$ 168,739
Less transfer from highway funds		167,755		168,739
Net appropriation for division of motor vehicles			$ - 0 -		$ - 0 -"

and inserting in place thereof the following:

(Total for division of motor vehicles		$ 167,755		$ 171,239
Less transfer from highway funds		167,755		171,239
Net appropriation for division of motor vehicles			$ - 0 -		$ - 0 -)

Further amend section 24 by striking out paragraph III and inserting in place thereof the following:

	FISCAL 1972		FISCAL 1973	
III Division of state police:				
(a) Criminal intelligence bureau:				
Personal services:				
Permanent	$ ---		$ 54,497	
Current expenses	---		2,000	
Travel:				
In state	2,000		10,015	
Equipment	---		22,700	
Other expenditures:				
OASI, retirement, blue cross and insurance	---		4,310	
Procuring evidence	5,000a		5,000a	
Total		$ 7,000		$ 98,522
(b) Detective bureau				
Personal services:				
Permanent	$ ---		$ 4,604	
Current expenses	1,000		---	
Travel:				
In state	1,000		---	
Equipment	6,000**		708	
Other expenditures:				
OASI, retirement, blue cross and insurance	---		500	
Total		$ 8,000		$ 5,812
(c) Communications section:				
Equipment	$- 30,000		$ 30,000	
Less estimated revenue	- 22,500		22,500	
Less transfer from highway fund	- 7,500		7,500	
Net appropriation		$ - 0 -		$ - 0 -

(d) Traffic bureau:				
Personal services:				
Permanent	$ ---		$ 70,640	
Current expenses	10,000		23,019	
Travel:				
In state	104,500		25,038	
Equipment	---		54,194	
Other expenditures:				
OASI, retirement, blue cross and insurance	---		5,203	
Ammunition	---		500	
In service training	1,500		2,500	
Total	$ 116,000		$ 181,094	
Less transfer from highway fund	116,000		181,094	
Net appropriation for traffic bureau		$ - 0 -		$ - 0 -
Net appropriation for division of state police		$ 15,000		$ 104,334

Further amend section 24 by striking out the line "Total for Department of safety $ 22,335 $ 77,813" and inserting in place thereof the following new paragraph and line total:

VI Tramway board:				
Current expenses	$ 460		$ 460	
Travel:				
In state	500		500	
Total		$ 960		$ 960
Total for Department of safety		$ 23,370		$ 120,929

	FISCAL 1972		FISCAL 1973	
Amend the bill by striking out section 25 and inserting in place thereof the following:				
25 Soldiers' home:				
I Custodial care:				
Personal services:				
Permanent	$ ---		$ 4,113	
Other	---		864	
Total		$ ---		$ 4,977
II Operation of plant:				
Personal services:				
Other		---		337
III Professional care and treatment:				
Personal services:				
Permanent	$ ---		$ 4,287	
Other	---		8,147	
Total		---		12,434
Total for Soldiers' home		$ - 0 -		$ 17,748
Amend the bill by striking out section 27 and inserting in place thereof the following:				
27 State prison:				
I Administration:				
Current expenses	$ 1,500		$ 2,000	
Travel:				
In state	700		700	
Equipment	500		500	
Total		$ 2,700		$ 3,200

II	Auxiliary to prison and custody:				
	Current expenses	$ 3,000		$ 3,500	
	Other expenditures:				
	Awards - Gate Money	3,000		4,000	
	Total		$ 6,000		$ 7,500
III	Custodial care:				
	Personal services:				
	Other	$ 21,000		$ 41,323	
	Current expenses	10,500		12,000	
	Total		31,500		53,323
IV	Maintenance of plant:				
	Current expenses	$ 4,000		$ 4,000	
	Total		4,000		4,000
V	Parole:				
	Current expenses	$ 300		$ 300	
	Equipment	---		2,900	
	Travel:				
	In state	500		900	
	Out of state	500		500	
	Total		1,300		4,600
Total for state prison			$ 45,500		$ 72,623

Amend the bill by striking out section 29 and inserting in place thereof the following:

29	State treasury:				
I	Administration:				
	Personal services:				
	Other	$ 1,107		$ 4,477	
	Current expenses	1,160		160	
	Travel:				
	Out of state	---		650	
	Equipment	4,200		---	

	FISCAL 1972		FISCAL 1973	
Other Expenditures:				
Implementation of new data processing system for accounts payable, financial and revenue accounting/ reporting	$ ---		$ 35,000ca	
Rent for check printer	2,400ca		9,600ca	
Total		$ 8,867		$ 49,887
II Retirement division:				
Current expenses	$ 600		$ 600	
Other expenditures:				
Consulting services	---		2,200a	
Consulting actuary	7,000a		26,000a	
New Hampshire retirement system development and computer processing costs	---		84,800ca	
Total		7,600		113,600
Total for state treasury		$ 16,467		$ 163,487

ca. This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of the department of centralized automated data processing, and in the event that said department does the work for which these funds are appropriated, the required funds upon billing by the department are to be paid to it and included as part of its estimated revenue.

a. The funds in this appropriation shall not be transferred or expended for any other purpose.

Amend the bill by striking out in section 31 paragraph I and inserting in place thereof the following:

31 Water resources board:				
I Administration:				
Equipment	---		$ 3,600	
Other expenditures:				
Stream flow gauging	---		3,700cv	
Survey & investigation of ground water resources	---		18,000	
Total		$ 0		$ 25,300

Further amend section 31 by striking out the line "total for water resources board $ -0- ~~$7,300~~" and inserting in place thereof the following:

(Total for water resources board	$ 0	$ 25,300)

Amend the bill by striking out in section 32 all after paragraph II and inserting in place thereof the following:

III State Aid Grants	---	$ 216,500cy
IV Control of aquatic nuisances	40,000g	---
Total for water pollution commission	$ 63,500	$ 276,148

g. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1973.

cy. The sum hereby appropriated shall not lapse, but shall be added to the appropriation of the commission in any succeeding fiscal year, to be used for the purpoae herein contained.

Amend the bill by striking out sections 35 and 36 and renumbering sections 33 and 34 to read 35 and 36.

Amend the bill by inserting after section 32 the following new sections:

	FISCAL 1972		FISCAL 1973	
33 N.H. state council on aging				
Personal services:				
Other			$ 107,485	
Current expenses			35,895	
Equipment			8,092	
Travel:				
In state			4,000	
Out of state			3,700	
Other expenditures:				
Fringe benefits			7,494	
Total				$ 166,666
Less estimated federal funds				125,000
Net appropriation for N.H. state council on aging				$ 41,666
34 Secretary of state				
I Office of secretary:				
Personal services:				
Permanent	$ 1,258		$ 5,293	
Other	2,500f		---	
Total for secretary of state		$ 3,758		$ 5,293

f. This appropriation shall not lapse until June 30, 1973.

Amend the bill by striking out all after section 61 and inserting in place thereof the following:

62 Summary of General Fund Appropriations.

	Fiscal 1972	Fiscal 1973
Total net appropriation as included in sections 2 thru and including 34	$698,167	$4,498,078
Less appropriation reduction section 35	400,000	---
Total net appropriation as included in sections 2 thru and including 35	$298,167	$4,498,078
Add, General fund appropriations from:		
Section 51	---	1,913,610
Section 52	---	312,555
Section 54	---	125,950
Section 55	---	433,516
Section 61	180,000	---
Section 67	537	---
Section 71	500	---
Section 73	25,000	---
Section 74	500	---
Section 76	---	104,213
Section 77	---	3,126
Section 78	64,684	70,200
Total net general fund appropriation	$569,388	$7,461,248

63 Changing Effective Date of Authority to Construct Toll Road from Manchester to Hampton and the Appropriation Therefor. Amend RSA 256-C by inserting after section 14 the following new section: 256-C:15 Effective Date of Manchester-Hampton Toll Road. The authorization granted by RSA 256-C:2, IV and the appropriation made therefor by RSA 256-C:6 shall not take effect until July 1, 1973.

64 Footnote amended. Amend 1971, 557:75 by striking out the footnote cm. and inserting in place thereof the following:

cm. This appropriation shall not lapse until June, 1973, shall be used for this purpose only, and may not be transferred. In the event the appropriation is insufficient to pay for items for which it is appropriated, the additional funds needed shall be transferred at the request of the President of the Senate and Speaker of the House, with the approval of the Fiscal Committee, from funds available in the Legislative Appropriation.

65 New footnote to allow travel expenses and part-time labor as a proper charge against appropriations for major repairs. Amend 1971, 557:75 by inserting after footnote cy. the following new footnote:

cz. Travel expenses and part-time labor, incidental to major repair projects, may be considered as a proper charge against this appropriation.

66 Correction of footnote. Amend 1971, 557:43, III (b) by striking out the line under other expenditures "Major repairs 30,000 30,000" and inserting in place thereof the following:

(Major repairs 30,000cz 30,000cz) and

Amend 1971, 557:43, III, (c) by striking out the line under other expenditures "Major repairs 30,000 30,000" and inserting in place thereof the following:

(Major repairs 30,000cz 30,000cz).

67 Trooper Reimbursed. There is hereby appropriated the sum of four hundred dollars to reimburse Trooper Gerard Remillard for the compromise settlement in the case of Vallee v. Remillard and there is further appropriated the sum of one hundred thirty-seven dollars to reimburse the office of attorney general for expenses connected with the case of Vallee v. Remillard. The governor is authorized to draw his warrants for said sums out of any money in the treasury not otherwise appropriated.

68 Acceptance of federal funds. The Commissioner of the Department of Resources and Economic Development is authorized to prepare and submit applications for allocations of Federal funds for Bureau of Outdoor Recreation related programs and subject to the approval of the Governor and Council, the Commissioner may accept funds for these purposes. The Commissioner may cooperate with other State agencies and departments in submitting grant applications and where it is in the best interest of the State, he may include provisions for allocating all or a portion of the Federal funds to be received to other agencies or departments of the State. The approval of the Governor and Council of the acceptance of the Federal grant shall authorize the appropriation and expenditure of the additional Federal funds to be received by any agency or department and the Comptroller is authorized to issue appropriation warrants for these purposes. The Department of Resources and Economic Development and any other agency receiving Federal funds from this source shall keep appropriate records of the amounts received and expended in a manner similar to other budgetary items.

69 Additional Ranks Covered. Amend RSA 99:2, f, (supp), as inserted by 1971, 460:2 by striking out in lines one, two, and three the words "trooper trainees, troopers, corporals, corporal technicians, sergeants, detective sergeants, lieutenants, captains and majors employed by the division of state police" and inserting in place thereof the words (all classified employees of the division of state police who are empowered to make arrests in criminal cases) so that said paragraph as amended shall read as follows: f. The standard workweek for all classified employees of the division of state police who are empowered to make arrests in criminal cases shall be a basic forty hour week. To the annual salary of such employees shall be added compensation equivalent to eight hours per week or four hundred sixteen hours per year.

70 Amend Duties. Amend RSA 8:13 paragraph VII by adding at the end thereof the following: (provided, however, that the director of accounts may approve the utilization of accepted data processing equipment and techniques in the performance of the pre-audit functions;) so that said section shall read as follows:

VII. Pre-audit all claims to be presented for the issuance of warrants and certify to the governor and council that such are just and proper claims against the state and within the appropriations provided by statute; before such certification for payment the director of accounts shall require documentary evidence of the debt in a form sufficient to show that the agency or individuals responsible for contracting the debt (a) had the authority for so doing, (b) had knowledge of the amounts due, except that payments for payroll may be certified for one payroll period in advance, (c) possessed the authority for the approval of the invoice, and (d) in regard to payments for capital improvements had knowledge of the work actually completed; provided, however, that the Director of Accounts may approve the utilization of accepted data processing equipment and techniques in the performance of the pre-audit functions;

71 Appropriation for Nonpublic School Study Commission. There is hereby appropriated for the purposes of the commission the sum of five hundred dollars. The governor is authorized to draw his warrant for the sum out of any money in the treasury not otherwise appropriated.

72 New Chapter. Amend RSA by inserting after 332-B (supp) the following new chapter:

Chapter 332-C

School of Veterinarian Medicine

332-C:1 Agreement Authorized. The governor is authorized to enter into a contract with the board of trustees of Ohio state university for the purpose of providing veterinary medical education to qualified New Hampshire residents. The contract shall provide for the enrollment of not more than five students for each class year. A sum not to exceed five thousand dollars shall be paid yearly for each student so enrolled.

332-C:2 Enrollment. The dean of agriculture at the university of New Hampshire shall certify to the state comptroller before September 1, 1972 and before September first of each year thereafter the names of those New Hampshire students not exceeding five who have enrolled at Ohio state university and have qualified pursuant to RSA 332-C:3. The state comptroller shall pay to Ohio state university a sum which is the product of five thousand dollars times the number of certified eligible students enrolled under the provisions of this chapter.

332-C:3 Qualification Requirements. Financial assistance under this chapter shall be granted only to those New Hampshire residents who agree to repay the state for such sums as are expended in their behalf. An interest free note for repayment hereunder shall be signed and be enforceable in an action for debt. It shall not be a defense to such action that the recipient was a minor when the note was executed.

332-C:4 Repayment of Funds. The state comptroller shall prepare a note for signature of a recipient hereunder. The note shall be in an amount that equals the amount paid by the state treasurer for their respective enrollment. Repayment of the note shall be made in equal annual installments beginning on the anniversary date of the recipient's graduation date or termination of enrollment, whichever shall first occur. Within a period equal to twice the number of school years of his respective enrollment, plus one year, all installments shall be paid in full to the state comptroller. The comptroller shall reduce any annual installment by one half, providing the recipient has practiced veterinary medicine on a full time basis in New Hampshire during eight of the preceeding twelve months.

332-C:5 Enforcement. The comptroller is authorized to enforce the collection of accounts that become due under the loan provisions of this chapter.

73 Appropriation. There is hereby appropriated the sum of $25,000 for the purposes of RSA 332-C:1 as inserted by section 72 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

74 Appropriation for Committee on Legislator Orientation. There is hereby appropriated for the printing of legislator's manuals the sum of five hundred dollars. The governor is authorized to draw his warrant for the sum, or as much thereof as is necessary, out of any money in the treasury not otherwise appropriated.

75 Unclassified salaries starting the Second Year of the Biennium. Amend RSA by inserting after Section 94:1 (supp), as amended, by striking our said section and inserting in place thereof the following: 94:1-a. Salaries Established. The annual salaries for the positions set forth shall be as follows commencing on August 18, 1972:

	Minimum	Maximum
Governor		$31,500
Chief justice, supreme court		29,925
Chief justice, superior court		28,350
Associate justice, supreme court (4)		28,875
Associate justice, superior court (9)		27,300
Judges, probate court (10)		11,025
Racing commissioners (3)		3,276
Sweepstakes commissioner, chairman		4,914
Sweepstakes commissioners, (2)		2,621
Adjutant general	$15,987	17,985
Assistant attorneys general (10)	15,987	17,985
Assistant bank commissioner	15,987	17,985
Assistant business supervisor	13,988	15,987
Assistant commissioner, public works and highways	21,316	23,314
Assistant commissioner of safety	13,988	15,987
Assistant to director of motor vehicles	12,938	14,937
Assistant to insurance commissioner	11,990	13,988
Assistant state librarian	11,990	13,988
Assistant state treasurer	11,990	13,988
Assistant superintendent, New Hampshire hospital	19,341	22,625
Attorney general	21,316	23,314
Bank commissioner	21,316	23,314
Business supervisor	16,653	19,984
Chairman, water resources board	13,988	16,653
Clerk of supreme court and court reporter	17,985	19,984
Commandant, soldiers' home	11,204	13,071
Commissioner of agriculture	15,987	17,985
Commissioner of department of employment security	21,316	23,314
Commissioner of education	$21,316	$23,314
Commissioner of health and welfare	21,316	23,314
Commissioner of public works and highways	23,699	26,261
Commissioner of resources and economic development	19,984	21,982
Commissioner of safety	21,316	23,314
Comptroller	21,316	23,314
Coordinator of crime and delinquency	9,471	12,600
Coordinator of federal funds	16,653	19,984
Coordinator of highway safety	16,653	19,984
Counsel, department of employment security	15,987	17,985
Deputy attorney general	17,985	19,984
Deputy bank commissioner	17,985	19,984
Deputy commissioner of education	17,985	19,984
Deputy commissioner of public works and highways	21,316	23,314
Deputy director, business profits tax	18,575	23,314
Deputy directors, commission on crime and delinquency (2)	13,104	16,800
Deputy director of data processing	16,275	20,738
Deputy director of personnel	15,372	17,294
Deputy insurance commissioner	13,988	15,987
Deputy labor commissioner	10,658	12,657
Deputy registers of probate:		
Rockingham	7,061	9,059
Strafford	6,128	7,900
Belknap	6,128	7,900
Carroll	6,128	7,900
Merrimack	7,061	9,099
Hillsborough	8,260	10,298
Cheshire	5,623	7,100
Sullivan	5,623	7,100
Grafton	6,128	7,900
Coos	5,623	7,100
Deputy secretary of state	14,732	16,653
Deputy state treasurer	14,732	16,653
Deputy superintendent, industrial school	10,658	13,986

	Minimum	Maximum
Deputy superintendent, Laconia state school	$20,649	$22,649
Deputy warden, state prison	10,658	13,986
Director, business profits tax	21,000	26,670
Director of aeronautics	15,987	17,985
Director, charitable trusts	5,996	7,994
Director of clinical services	20,649	22,649
Director of clinical and surgical services	20,649	22,649
Director, commission on crime and delinquency	14,742	18,900
Director of correctional psychiatry	20,649	22,649
Director of data processing	21,000	26,670
Director, division of accounts	17,985	19,984
Director of economic development	15,987	17,985
Director, division of mental health	28,477	32,473
Director of division of parks	15,987	17,985
Director, division of public health services	21,316	23,314
Director, division of purchase and property	17,985	19,984
Director of division of resources and development	15,987	17,985
Director, division of welfare	15,987	17,985
Director of fish and game	15,987	17,985
Director of motor vehicles	13,988	15,987
Director, out-patient services	20,649	22,649
Director of personnel	17,985	19,984
Director of probation	12,810	14,732
Director of psychiatric education and research	20,649	22,649
Director of records management and archives	10,658	12,657
Director of safety services	12,938	14,937
Director of state police	15,987	17,985
Director of technical institute	15,987	17,985
Director, police standards and training council	12,600	16,800
Director, veterans' council	10,658	12,657
Eminent domain commission, chairman	15,987	17,985
Eminent domain commissioners (2)	15,321	17,319
Eminent domain commission, clerk		10,500
Executive director, real estate commission	9,415	11,433
Executive director, sweepstakes		22,050
Executive director, water supply and pollution control commission	21,316	23,314
General counsel, department of employment security	17,985	19,984

	Minimum	Maximum
Governor's councilors	$ 42 per diem$	
Greyhound racing commissioners (3)		3,276
Insurance commissioner	17,985	19,984
Labor commissioner	15,372	17,294
Liquor commissioner, chairman	18,575	20,496
Liquor commissioners (2)	16,244	20,160
Manager of management information systems, data processing	15,645	19,845
Manager of operations, data processing	15,645	19,845
Manager of programming, data processing	15,645	19,845
Parole officer	13,986	15,987
Public utilities commission, chairman	15,987	17,985
Public utilities commissioners (2)	15,321	17,319
Registers of probate:		
Rockingham		6,128
Strafford		5,862
Belknap		5,862
Carroll		5,862
Merrimack		6,128
Hillsborough		6,395
Cheshire		5,329
Sullivan		5,329
Grafton		5,862
Coos		5,329
Research assistant to the insurance commissioner	11,529	13,451
Secretary of state	21,316	23,314
Secretary, tax commission	18,575	20,496
Senior industrial agent	11,017	13,617
Senior psychiatrist	19,450	22,555
State fire marshal	11,990	13,988
State librarian	13,988	15,987
State treasurer	21,316	23,314
State veterinarian	14,068	15,902
Superintendent, industrial school	17,985	19,984
Superintendent, Laconia state school	21,316	23,314
Superintendent, New Hampshire hospital	25,841	29,837
Superintendent, state sanatorium	17,985	19,984
Tax commissioner (2)	15,372	17,294
Warden, state prison	17,985	19,984

	Minimum	Maximum
Water supply and pollution control commission:	$	$
Chief aquatic biologist	14,089	16,016
Deputy executive director and chief engineer	18,571	20,493
Director municipal services and assistance	14,089	16,016
Pesticides surveillance scientist	13,167	14,968

Officials named in this section shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and in accordance with RSA 94:3. Racing commissioners, sweepstakes commissioners, and the state entomologist only excepted, any official whose salary upon placement in the new salary range is less than that of a subordinate classified employee shall be placed at the next higher step in range above said classified employee and shall be entitled to any increase provided for herein until the maximum provided herein is reached. However, in the event that the maximum of the unclassified position is less than the salary of said subordinate classified employee, the governor and council is authorized to increase the maximum of the unclassified position in an amount to provide a differential of not more than one thousand dollars.

Notwithstanding any other provisions of law to the contrary, the salaries of judges of probate court, deputy registers of probate, and registers of probate shall be as set forth above.

76 Appropriation. There are hereby appropriated for the fiscal year ending June 30, 1973 the salary increases provided in section 75 of this bill the following sums: $87,976 from the general funds of the state, $5,409 from highway funds, $677 from fish and game funds, $3,387 from federal funds, $6,764 from self-sustaining and toll funds.

77 Appropriations for Retirement. There are hereby appropriated in addition to any other sums appropriated for retirement for fiscal 1973 the following sums:

	Fiscal 1973
General fund	$ 2,639
Highway fund	162
Fish and game fund	20
Federal	102
Self-sustaining	203
	$ 3,126

78 Increasing the net appropriation for the Division of Public Health, Department of Health and Welfare $64,684 in fiscal year 1972, and $70,200 in fiscal year 1973. Amend the appropriation in 1971, 557:25, V (a) by striking out the same and inserting in place thereof the following:

(a) Administration		
Salary of director	$ 22,504	$ 22,504
Other personal services:		
Permanent	73,707	73,940
Other	500	500
Current expenses	18,723	17,000
Travel:		
In state	2,100	2,100
Out of state	6,000	6,000
Equipment	6,530	3,200
Other expenditures:		
OASI and retirement	11,120	11,120
Merit system	4,380	4,274
Blue cross and insurance	1,380	1,400
Alpha exams	---	1,586
Total	$146,944	$143,624
Less estimated federal funds	4,116	-2,600
Net appropriation	$142,828	$146,224

79 Effective date. This act shall take effect as follows:
I Upon its passage: sections 1 through 49 and 56 through 74.
II On August 18, 1972: sections 50 through 55 and 75 through 77.

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Sen. R. SMITH: The Senate Committee on Finance presents to this body today, for their consideration, HB 43 the Supplemental Appropriation bill. Our recommendation to you is a total spending package of $8,013,912. This is an increase over the House version by $1,388,046.

The major increases over the House bill are:

(1) An appropriation of $700,000 for school construction aid;

(2) The addition of $300,000 under dual enrollment;

(3) $144,000 for the office of State Planning to insure our eligibility for Federal funds from HUD and EPA;

(4) $120,000 to the Department of Safety for 5 additional state police patrolmen and 3 additional detectives;

(5) $51,000 to the State Council on the Aging to bring us perhaps over $1 million of project funds for our communities;

(6) $40,000 for control of aquatic nuisances, namely algae, in our state lakes;

(7) $104,000 for a 5% salary increase for our unclassified personnel;

(8) $134,00 into Public Health to continue appropriating at a non-crippling level in maternal child health, crippled children services and other public health services;

And it even contains $500 for the non-legislative members of the Non-Public School Study Committee.

These are the major increases in the Senate Finance Version in House Bill 43.

Now you might ask how we arrive at this happy situation. I will refer back to the $5.8 million of what I termed at the time "unappropriated monies" and which others preferred to call a "surplus." The House added to this, $200,000, bringing it up to $6 million.

The simplest way I can express myself now is to say we are anticipating an additional $1 million in revenue because of an increase in tobacco taxes of $1.7 million coupled with a reduction in race revenue due in part to the loss of Sunday racing and coupled also with a change in the legacy tax law.

The other $1 million we have arrived at by dipping into the so-called estimated lapses which are more commonly known as the "cushion" which is at a dangerous level now — close to a $1 million point, slightly under, but it may be $1 million after adjustments are made in this.

I hope the Senate will go along with what the Finance Committee has done and I shall try to answer questions.

Sen. LEONARD: What was that last million you talked about as an increase in the amount of money available?

Sen. R. SMITH: What we have done is taken out of our so-called "cushion."

Sen. LEONARD: Will this make a deficit in your opinion?

Sen. R. SMITH: This will not make a deficit in my opinion, but it brings it closer to the point of having one if one is to occur. Actually, we have cut down on the margin of safety that we have. Our margin for error is about one-half of 1% out of a total of $170 million, so that is pretty fine figuring.

Sen. JACOBSON: I have 2 questions. One question is with respect to the same point that Sen. Leonard raised and that is lapses. As I understand your Committee Report, at least $1 million of expenditures is tied to the anticipated lapses. Is that correct?

Sen. R. SMITH: That is approximately correct.

Sen. JACOBSON: In that connection then, if the lapses do not materialize, what happens?

Sen. R. SMITH: We are either at a zero point or at a deficit at the end of the biennium, depending on the extent that we non-lapse.

Sen. JACOBSON: Has this been a normative policy in preparing budgets to engage in utilization of the anticipated lapses with respect to adding appropriations to the budget?

Sen. R. SMITH: I don't know as I can answer your question yes or no. I think there probably always have been some adjustments between estimated lapses and spending.

Sen. JACOBSON: How narrow is the cushion at this moment by your estimate?

Sen. R. SMITH: The figure we have at this moment is $977,695.

Sen. JACOBSON: That is in addition to your entrance into $1 million of anticipated lapses with regard to the budget?

Sen. R. SMITH: Yes.

Sen. JACOBSON: Do you have any current information with regard to the inflow of the business profits tax?

Sen. R. SMITH: I think we do have the figure that is calculated for an estimate of income from the business profits tax.

Sen. JACOBSON: What is actually the inflow at this moment? Do you have current information?

Sen. R. SMITH: The basis on the business profits tax which is being used in these computations is an estimate of $14 million for 1972 and $15 million for 1973.

Sen. JACOBSON: On the basis of the information you have just received, is the current inflow of that money, as far as you can tell, equal to the estimate?

Sen. R. SMITH: So far as I can tell, the figures have been examined again and it would come out no differently from this. This is the estimate with which we are working and this is the estimate that they handed us this morning and claimed it would stay this way.

Sen. JACOBSON: I am not sure that you are answering my question.

Sen. R. SMITH: I am not sure I understand your question. Would you tell me what you mean by current inflow.

Sen. JACOBSON: Is there money coming in to the business profits tax now?

Sen. R. SMITH: To the best of my knowledge, the answer to that would be yes.

Sen. JACOBSON: That amount coming in, does that seem to be coming in at a rate equal to the estimate?

Sen. R. SMITH: Yes, from my information.

Sen. JACOBSON: I heard information this morning that is not the case; but, as the Chairman of the Finance Committee, you would deny that is not the case?

Sen. R. SMITH: I do not deny anything. I merely say we have people upstairs that we pay good money to examine these figures and provide us with the information. I stand by the answer I have given you that they are sticking by these estimates. What you have heard, I don't know and I don't really feel I should comment on it. We are guided by what our people upstairs tell us.

Sen. FERDINANDO: What was the amount the House passed?

Sen. R. SMITH: The amount the House passed was $6,625,866.

Sen. FERDINANDO: Do I understand correctly that the difference between what the House passed and what the Senate Finance Committee has is the tobacco tax, the legacy and the lapses. Is this correct?

Sen. R. SMITH: I tried to express it as simply as I could in these terms, yes.

Sen. FERDINANDO: As far as you can determine, the House could not see the $1.7 million in the tobacco tax? They were not aware this money was available?

Sen. R. SMITH: I can't answer that. I know at what point we became aware of it. We became aware of it as a result of a request from Sen. Spanos to have the Legislative Budget Assistant come down and be quizzed by us. As a result of this quizzing, we became aware. Now, whether or not the House knew it, I can't answer. I do not know.

Sen. FERDINANDO: It appears strange to me that here is $3,700,000 they obviously were not made aware of on the other side of the halls here.

Sen. R. SMITH: $1,700,000, if you are referring to tobacco.

Sen. FERDINANDO: I am thinking in terms of $1,700,000 for tobacco, $1 million for the legacy and $1 in lapses.

Sen. R. SMITH: It is $250,000 for legacy.

Sen. DOWNING: In the opening days, this surplus or unappropriated funds, as you will, was explained to us and it was suggested that $1 million was due to a legislative error. Has your Committee, in fact, found that to be true and where was it?

Sen. R. SMITH: I think we have found that to be true. Whether or not we can actually call it a legislative error, I don't know. It was an error in the staff somewhere in computing the figures for last July.

Sen. DOWNING: Relative to item 3, page 2, Executive Office — I notice that the amendment under discussion adds a substantial expenditure there.

Sen. R. SMITH: $144,000.

Sen. DOWNING: Would you explain that, please?

Sen. R. SMITH: This $144,000 shows under the Executive Office because this is where the Office of State Planning is now located. This is an appropriation, actually, for the Office of State Planning.

Sen. DOWNING: This appears to me to be almost an unnecessary expenditure in accordance with priorities — an area just to create some more jobs. How would you explain it?

Sen. R. SMITH: According to the testimony which the full Committee heard, it seemed to be a No. 1 priority and a very necessary expense. I am relating to you the tale that was related to us and this is why we felt that it had a very high priority.

Sen. DOWNING: Would you explain, other than the testimony you heard, your own rationale for setting such a high priority as No. 1 on that item?

Sen. R. SMITH: My own rationale? I am attempting to relate to you the rationale of the Committee and I do not think my rationale is necessarily pertinent to the discussion.

Sen. DOWNING: Can you tell me exactly how many and what new positions are created by the expenditure of this money?

Sen. R. SMITH: Under the $144,000?

Sen. DOWNING: The $289,000.

Sen. R. SMITH: Three.

(Sen. Porter in Chair)

Sen. DOWNING: Can you enumerate the positions and the salaries attached to them?

Sen. R. SMITH: I believe they would be Director of Regional Planning — $15,000; Director of State Planning — $15,000; Clerk-Steno 3 — $4,895; total of $34,895. I just had a piece of paper handed to me. Under Other Personal Services, there would be 3 more: 1 Resource Planner; 1 Research Assistant; and 1 Statistician 1.

Sen. DOWNING: Would you put the individual salaries with those titles?

Sen. R. SMITH: Resource Planner — $9,284; Research Assistant — $7,725; and Statistician — $6,890.

Sen. DOWNING: The first 3 people you gave me added up — Permanent Personnel — to $34,895. Under Other Personnel is listed $49,859. Those three positions don't add up to that. Would you clear it up for me, please.

Sen. R. SMITH: There is an additional amount of $25,996 for consultants, I believe.

Sen. DOWNING: As I understand it, in this area there is about $84,000 or $85,000 for personnel.

Sen. R. SMITH: Approximately.

Sen. DOWNING: These would be new personnel for which we would have to provide equipment which is also in here, and travel expenses?

Sen. R. SMITH: Correct.

Sen. DOWNING: As I read it, this area would get about approximately 50% aid from the federal government. But is this something we would receive aid perhaps for a year and then be committed to these new positions and have to fully fund them when we get into the regular session?

Sen. R. SMITH: I don't believe so. I think the intention is that the federal funding continue.

Sen. SPANOS: I would like to inform my colleagues in the chamber that the Senate Finance Committee did operate under the philosophy that some of you indicated when we passed some of our early legislation relative to whether or not a given item happens to be a priority. I assure you that the Senate Finance Committee did everything they could within their power to try to find areas that might be responsive, at least to the majority

of you, as to what might or might not be a priority. They worked arduously at that task. I think, overall, the Senate Finance Committee recommendations to you this evening are more "warm body conscious" than the House version. I believe it has become a far more personal type budget than was passed by the House. In our effort to establish priorities, I think the Senate Finance Committee did something that probably is unprecedented — we actually cut from the budget more personnel than was recommended by the House. We actually cut 40 or so more people off the budget than were recommended by the House of Representatives, and you know how thoroughly they screen personnel. We did this in an effort to find funds within which to fund some of these priorities. And it was a very difficult task working within the straitjacket of the revenues available.

I think we all felt the State employees deserve their pay raise, and we left it in there. But we also felt it was only fair that the unclassified employees receive a pay raise. So we have recommended a 5% increase.

We also felt that the House had failed in one very significant area and that was to establish and give to the towns the State building aid to which we all felt the towns should be entitled. As a consequence, we did put in the budget an amount of $700,000, far below what is required, but which will certainly help these communities which have these building projects underway and some which are now being created by their annual town meetings.

We also went into an area which the House completely eliminated and that was in the area of the non-public school. We added $300,000 to the budget for that item. They had cut it out completely. Again, somewhat below what the requirement of $450,000 was, but at least enough to keep the program alive. We have all felt very strongly that we established a Non-Public School Commission and the whole program of dual enrollment in order to make it a little easier for some of these towns and cities that have parochial schools in them to bear the burden of the influx of the non-public school children into their system when a non-public school closes. By completely eliminating the money, it is going to make that very philosophy go down the drain. That is why we felt strongly that we should have the money in there to continue the system of phasing out the non-

public schools into the public school with the least amount of impact upon the taxpayers at home. And I would say that many of you senators represent districts that have these schools within their territories.

We also felt that in the area of "law and order" we ought to do something. That is why we added 5 additional state trooper trainees — and they are expensive, about $15,000 per state trainee. You add 5 and you are in the ball game for $75,000 in addition to other matters. We also added 2 detectives to the force in order to make it a little easier to investigate and detect the drug problems that are facing our State.

In the area of the mentally retarded and mental health, we added funds to grant to communities funds for community mental health clinics and for grants to communities for mentally retarded clinics.

We also took care of the Council on the Aging which we feel is of vital importance to our elderly in the State in view of the fact that this $40,000 can, in fact, generate at least $1 million in federal funds, much of which will go to the towns and communities that have some of these senior citizens.

In the area of environmental protection, I think our group also felt this is the time, as I said earlier this morning, when we have to start to think in terms of the future and not think about today. We have made a good start here by providing funds to control aquatic nuisances, for state planning and in other areas where environmental control is concerned.

We also took into consideration other matters where we made significant increases over and above what the House recommended and I think, overall, I can truthfully say, whereas no one will be completely satisfied with what the Senate Finance Committee did, I think you will find in the areas we did go into, that we have established priorities with which the vast majority of you will agree. I hope you will support the measure which is before you and pass it along.

Sen. TUFTS: Sen. Ferdinando asked a question about the amount of revenue and it falls within the province of the Senate Ways & Means Committee. We have in our possession, we have voted on, and we will recommend to you in the course of events HB 40 which accelerates the payment date of legacy taxes from 15 to 9 months after the date of the decedent's death. This figure

amounts to the $250,000 which the Senate Finance Committee reported as income which they were including. This acceleration of the payment date of the legacy taxes from 15 to 9 months is hoped to produce that amount of revenue.

Amendment Adopted.

(Senate President in Chair)

Sen. Morrissette moved adoption of an amendment.

Sen. MORRISSETTE: I consider this amendment absolutely in the interest of justice and in the interest of proper allocation of funds. In the report that came in from our committee there is one item in the amount of approximately $550,000, I think, for our University System, the objective of which is to hope to reduce tuition through this appropriation. However, I feel very strongly that the objective to this allocation of funds is an impossibility. My amendment will reallocate this money in Education according to the following priorities.

At the present time, the net result would be a reduction supposedly of $50, I believe, at UNH and $33 at Plymouth and Keene. This would never occur in reality because the funds keep going up and your costs keep going up and, unless you have your changes at the University, you will not reduce tuition through this allocation of funds. The present allocation will certainly help the rich in this way here that, if you reduce tuition $50 and it will not help to amount to beans. A lot of the students are not in a category that needs the help.

My amendment takes $202,592 of that money and earmarks it for an objective that will help the needy and the worthy student. In other words, the funds will be delegated or will be utilized to help the needy students. It will go into that fund rather than trying to help a little bit of everybody, but will help the needy ones.

The other $202,000 is added to Foundation Aid and to Dual Enrollment. We hear that we are allocating $300,000 and we are very much appreciative, but it's not anywhere near according to the pledge that this state has made, that the legislators of this state have made, to help on a one shot basis. You are either going to help your dual enrollment program now — it's a one shot deal, we pledged one year and a half a year. Obviously, if you don't provide that help now, then it is too late. This extra $100,000, which is really a small amount com-

paring to what we are doing today, will mean that at least probably as much as a dozen schools will not close down. You have a situation like this frequently where they say, look if you can help us with 3 subjects we will keep the school going. Otherwise, it is so close and so much of a struggle they give up and close down the whole school. This $100,000 is very, very well spent.

Today we are talking about a bill here with a 5% salary increase for unclassified employees. I am not against an increase for unclassified employees, although I thought it was agreed we would give them an amount of money — $500, $700, $800. Now we are giving them a percentage increase. Although I don't begrudge the position of the governor, I understand he will get a $3,000 or $4,000 increase and so will all the high executives.

Now when we are talking about $100,000 to keep a pledge. Going back to the pledge, I have been frequently attacked or heard wisecracks recently relative to how can you be against an income tax bill and yet be in favor of the truthful allocation and the just allocation of funds. This is one of the examples we are talking about right now. Our former Mayor Pariseau went along with a bill of goods that we gave him that if we went along with the renewal of the business profits tax you would fund dual enrollment for one year and a half a year in full. So, what do we do? We breach our promise. How do you expect a city or a senator from a city to support any revenue bills when the credibility of a legislator is questioned? And it is certainly questioned right now. If we made such a promise, even if we had to go out and borrow the money so that we can help them now because 5 years from now or 10 years from now will be too late. The damage will have been inflicted on them.

So, summarizing this amendment very briefly, the funds that we are leaving with the University are going to be employed to help the needy student not an across the board reduction that is not going to help anybody or help the needy student to a minute extent that will not in reality help them.

Secondly, we will be helping Foundation Aid and we will be helping the dual enrollment program and keeping our faith and keeping a promise that we have made to all the communities of this state trying to prevent the premature shut down of the schools and, therefore, we would lose in the long run because

a lot of these communities would then become eligible for Foundation Aid and then everybody would suffer.

Sen. NIXON: You speak of the raise that the Governor obtained. Are you aware of the fact that the Governor has privately and publicly declined the raise recommended in this amendment by the Senate Finance Committee?

Sen. MORRISSETTE: If I used the word Governor what I meant was we gave a percentage increase. Percentage increases are never just. That is not being fair. It should be an amount of money.

Sen. NIXON: You were aware that Govenor Peterson had declined the recommended increase in his salary made by the Senate Finance Committee?

Sen. MORRISSETTE: No, I was not aware. The only thing I was aware was some of the members of the House were around this afternoon and they were up in arms over this allocation on the basis of percentage rather than an amount of money.

Sen. DOWNING: Would you explain what you did with Foundation Aid?

Sen. MORRISSETTE: The total amount of money involved was in the neighborhood of $400,000. I took half of it and left it in the University Fund but earmarked it for needy students. Then the other $200,000, I took half of it and put it in Foundation Aid and I put the other half in dual enrollment — dual enrollment was $300,000 and that increased it to $400,000.

Sen. DOWNING: That sounds like 3 halves to me. You took half of the original —

Sen. MORRISSETTE: Half to the University — one quarter for Foundation Aid and one quarter for dual enrollment.

Sen. S. SMITH: I rise in opposition to the amendment. I would like to reiterate what Sen. Spanos said that we worked in the Senate Finance Committee to attempt to reach as many of the basic priorities as possible. You will recall when the Governor first held his hearings on the budget, the request by various departments were for close to $18 million. This budget which we have adopted brings the total expenditures to approxi-

mately $8 million. As Sen. Spanos indicated, we knocked out a number of positions to fund such things as aid to handicapped children and money for prenatal care. Throughout the hearings, we have heard a great deal of discussion about the needs of education. I think it was the feeling of many of those who deal with these funds that probably school building aid was by far the most important aspect. The Senate Committee, as Sen. Spanos said, put in $700,000 for building aid. We discussed the situation at the University of New Hampshire where requests came in for approximately $2.5 million. One of the things which we have been trying to do, and which the House attempted to do, was to give a 10% reduction in tuition to students. This has been cut now to a 5% reduction. By so doing, you have added $101,000 to Foundation Aid which is less than 4% for a wide spread and will mean little at this juncture. You have added $101,000, as I read this, also to dual enrollment. The Senate Finance Committee put in $300,000 on dual enrollment and is my opinion that we, as the State Legislative Body, have the responsibility also in the area of higher education. I think the $202,000 is about as low as you can go.

I would hope that the Senate would go along to defeat the amendment.

Sen. MORRISSETTE: Don't you feel that to help out the grant, or aid to needy students, is of greater priority than to help out the bulk of the students including 30% of the out-of-state students?

Sen. S. SMITH: My understanding is that this cut is for in-state students at the University and that the problem here could best be resolved by an overall cut and I understand there are discretionary funds to help the needy.

Sen. MORRISSETTE: At a recent hearing the testimony of one of the chief directors of the University indicated that we were subsidizing the out-of-state students to the tune of $1800 per student. Don't you feel that if we wanted to make this $50 cut, it would have been better made through a gradual reduction in the total amount of out-of-state students?

Sen. S. SMITH: I think this is a very complex subject. It is my understanding that by the acceptance of out-of-state students we can better balance our budgetary process at the University than by non-acceptance; that one of the problems

where we are being hurt now is an overall reduction, estimated at 300 students, which is going to curtail the income to the University and spread over a thinner base the basic costs that are present at the University. I think this basis of placing it on the $202,000 leaving it as it is would tend to stabilize that so that the cost would not go out of reason.

Sen. MORRISSETTE: Do you feel as a professional businessman that $50 toward tuition is a real issue why students are avoiding the University, supposedly, or is it because of the influx of numerous colleges nearer at home where they can stay at home and also work near home that is the real reason and not the $50 or even $100 difference in tuition. The tuition is still way lower than private colleges.

Sen. S. SMITH: I think the basic reason is that this increase in tuition had to come about last time. The continued increase is, in fact, a hardship on the student. In addition to that, I also feel more and more that because of the mean funding attitudes maybe students are becoming leery of staying on. But I think basically it is becoming a question of dollars and cents.

Sen. MORRISSETTE: Don't you feel it is more important to put as much money as we can in Foundation Aid or is it more important into higher education?

Sen. S. SMITH: Sen. Morrissette, I would like to fund all of these programs fully. We do not have that choice.

Sen. MORRISSETTE: That is not my question. What is more important for us to allocate the funds on a level of Foundation Aid or is it more important to attempt to reduce the tuition by $50?

Sen. S. SMITH: We have many, many choices in a budget. I think this was the choice of the Committee to leave this amount in for a reduction feeling that this was a benefit to the State and to the people who will be students at the University.

Sen. R. SMITH: I rise in opposition to the pending motion. I do so for two reasons. One, to inject into the record that the Senate Finance Committee did consider this concept of earmarking the allocation for aid to schools based on financial need. We did so at the suggestion of Sen. Jacobson who appeared before our Committee and made this request and I compliment the senator for coming down and making this input of his into our Committee.

Secondly, as I understand it, there is another amendment which accomplishes the same thing but which may be a little more palatable. I don't know whether this amendment will be forthcoming or not. I don't know whether I will personally support it or not. But I do wish the fact to be brought out that there is another amendment along these same lines that we may see subsequent to this. Sen. Smith has made two points about which I also feel strongly: Number 1, that this amount of money — $100,000 — spread out in the entire Foundation Aid Program by the time it reaches the community is practically meaningless. Mr. Paire, the Education Commissioner, appeared at the Governor's budget hearing and said in order to do anything in Foundation Aid, we needed to put in $6 million. Now $6 million against $100,000 is quite a gap. Sen. Morrissette alluded to the program of dual enrollment. I think the Finance Committee has recognized this in the allocation of an additional $300,000 that we made toward this program.

Amendment Lost.

Sen. Downing moved adoption of an amendment.

Sen. DOWNING: What my amendment would do is strike out the area allotted to the Executive Department, as you heard discussed here earlier, and would take that money and put it into the school building aid section. I might say that I could not support the previous amendment that was offered only because I feel we made a commitment to the University and we did not follow up on that commitment during the regular session and this, to me, was an outstanding debt. The amendment I offer would eliminate new positions being created. That money that is being appropriated is almost $85,000 going into brand new positions. It is money for travel, money for new equipment. When you look at your building aid program, we were obligated, or we should have felt obligated, to fund the building aid in the regular session to the tune of over $3,600,000. Instead we funded it only $2 million because we did not have enough money. Now we find out we had $1 million all the time not counting the other money that has turned up. Now, instead of putting it in there, we are going to start spending it in other areas.

I would like at this point to commend the Senate Finance Committee. I know they have an extremely difficult job. I think they did a marvelous job on this bill as compared to the way we

got it from the House. I thought that was an absolute disgrace. And I think the Finance Committee has obviously worked very, very hard. I think it is a thankless job and I sincerely appreciate the effort they put into it. However, I do disagree with the one area here where rather than creating these new positions, we should honor our commitment to building aid. When this appropriations bill came out of the House Appropriations Committee, they were going to fund school building aid in the amount of $1,750,000. The House eliminated that completely. The Senate Finance Committee, in its wisdom, has restored $700,000 of that money. This is very good, but we can do better. We can do better by avoiding the creation of these new positions here and put that money into the building fund which will increase it some $140 odd thousand and it would be very significant. You are talking now about a potential increase of 20% in an area in which we are very definitely obligated and we have the money to help. I urge your support.

Sen. S. SMITH: I rise in opposition to the proposed amendment. The Senate Finance Committee gave long and hard consideration to this item. We not only had people in to discuss this situation on planning, we recalled people and went over this with a very fine toothcomb. Again, I wish that we could do more in the area of school building construction. But the Senate Committee did put in the $700,000 toward school building construction which is a very important area.

Let me, however, discuss the $149,000 appropriation which was placed in the budget for planning. I think, in a nutshell, the Committee's attitude was that we are in a situation whereby we have a number of regional planning groups only about half of which are active. There is criticism from the Federal government in regard to the small size of these districts — regional planning areas. It is hoped by them that there will be a decrease in the number of these planning areas. To how many, I am not sure. There was mention made in discussions of 6 or 8 or however many. When this is accomplished under this bill, under this appropriation, each of these areas will be staffed. With this, as of July 1, 1973, the State would be eligible for funding under HUD or EPC funds. We would be ineligible without approval of the local planning area. For this reason, so that many of the projects which are being carried on by cities and towns can get approval and federal funds, it was felt essential that this $149,000 be placed in the budget under the Executive Department.

Today we acted on HB 50 which establishes a regional area for sewage treatment. I think it was very clear in testimony which we heard on that one that without the regional concept the Laconia treatment plant would not have been eligible for the $1 million of extra treatment facilities to take care of the putrefaction problem in Lake Winnisquam. This is a number 1 criterion. Therefore, we have placed this $149,000 in the budget and I hope the Senate will go along with it.

Sen. DOWNING: You have attempted to put this planning in a nutshell and I suggest that you have. You have said that the planning program in the state would be affected as of July 1, 1973. Doesn't that, in fact, mean that we can come back here in a regular session, take a crack at new appropriations, and a new means of raising revenue, etc., and fund this program where now we have a commitment to school building aid. We reneged on it and we should assist in that area and it should have a priority over this — something which we can do later.

Sen. S. SMITH: My answer to this would be, no. If we wait until next January, we will not have time to establish these regional offices and areas, have them functioning and operating to the extent so that by July 1 they can make any approvals. I think it is essential that it be done at this time.

Sen. DOWNING: Isn't it common practice and hasn't it been testified to many times in the chamber that where the intent is known that federal government is very cooperative in extending its programs on a temporary basis and couldn't this very well apply to the funding of this program brought about the next regular session without any problem whatsoever.

Sen. S. SMITH: My opinion again would be no in this area. I think that the requirements have been laid down. I think that a date has been set and I think that if we postpone it and, say we did fund it, when does our funding come in? It comes in the end of June, 1973. There would be no opportunity for the establishment of this as a priority, which it has now. There would be no chance to do the preliminary work which needs to be done.

Sen. MORRISSETTE: I rise in support and at the same time offer my condolences to Sen. Downing. I am very displeased with the hypocrisy and stacked budget. What's the sense of having a budget when you can't do anything about it on the

floor. Most of the people are not represented. I object to the unjust allocation of priorities in this budget. I was just having a slight hope that we might be able to do something because I know what is going to happen to the $300,000. which has been appropriated when it gets into the Committee of Conference.

Many of my colleagues in the Senate may not understand why I fight so aggressively against broad taxes and also fight for the allocation of available funds at the same time. The answer is very simple. You can't have tax reform — you won't have tax reform — until you have government and election reform. Many states have passed an income tax and yet they face bankruptcy. And what's the reason? The reason is irresponsible politicians can easily spend far more than they can exploit from the workingman. They simply keep on building a monstrous contagious disease called bureaucracy. And this is what we are doing here today.

Gentlemen, do we have government of the people? I claim that we do not. We have government that is influenced by special interest groups, dominated by the politically appointed department heads. They have far more to say than what we have right here. And we also have government by a few called Committees of Conference. A bill that doesn't satisfy the administration normally ends up in such a committee. The greatest injustice, in my opinion, is the rules that we set in this body right here. We hold public hearings when the ones who pay the taxes are out working. Our rules deprive the majority of the people from running for public office. We meet three days a week instead of spreading our workload and limiting our sessions to one day per week. If we did so, it would mean that anyone could run for office. It would not be limited to a few of the retired. Our legislators serve for free. Therefore, it should make sense if anyone is to run for public office that we should spread out our sessions over the full year. We can't have sessions every year unless we have government reform. Under our existing setup, can a doctor, or mill worker, or a union representative, or anyone who has to work to support his family. Most of the people are in the type of work to support their family.

Gentlemen, our credibility is not worth beans. The people know that if we pass a broad base tax, that after the foot has been placed in the door, that the politician would change the law to suit himself by changing the tax rate, the exemptions, and

especially the allocation of funds. Above all, he would change the allocation of funds to cities and towns as we did with the business profits tax. As I have expressed many times, less than 3 years ago, the legislators of this state promised our former Mayor Pariseau that if he went along with the removal of the stock in trade tax, the state would help our urban crisis by supporting dual enrollment 100% for one year and 50% the second year. Today we have inflicted the *coup de grace*. I am very pleased at the $300,000. And I want to compliment our Committee. I think they are very sincere. But I am very fearful of what is going to happen to that $300,000 when it gets into the hands of the Committee of Conference. We were deceived 3 years ago, but it will not happen again. There was a solemn pledge made and the pledge has not been kept.

I have heard a number of sarcastic remarks made recently by some of my colleagues relative to supporting the *just* allocation of funds. I support just allocation of priorities. We are not completely broke. We have — in fact, I feel very sincerely that we will have another $3 million at least in addition to what we have now because the business profits tax, anybody with any common sense would know that it should bring a substantial amount much greater than what we expected last year because we don't have the situation of last year.

I brought up before about what we do for the state like in the area of gasoline we contribute in the vicinity of $25 million and we get 1%. I can't remain idle and won't. It is my intention to continue to bring up to the people — devote all my time toward bringing up to the people why I feel that we do not have government by the people here.

Sen. NIXON: I hope I have not lost the thread of what we were talking about here. But I rise in support of the amendment proposed by Sen. Downing with due respect to the differing views of the distinguished Majority Leader and the Committee on Finance which did do, as I think everyone agrees, yeomanlike work in the proposed package of amendments to HB 43. It may be, in fact, the case that desiring that the money in question be devoted to school building construction, as opposed to the 3 positions in the Office of Planning, a short sighted view is being taken. Obviously, planning is a prerequisite to orderly growth and, therefore, must be the first step involved. However, I do believe that the point which Sen. Downing made

that school building construction is a long established debt which has long been in arrears gives it primary prority in the balance between the two situations at this time. These are my reasons for somewhat reluctantly supporting this amendment and I hope you will go along.

Sen. FOLEY: The Senate Finance Committee did work long at this budget and we tried — and I know no one is completely satisfied. But on some of the votes, some of us won and some of us lost. On the question of the allocation of the $144,000 to comprehensive state planning, this was one of the votes I was on the losing end of. I know, usually, the Senate Finance Committee comes in as a group and votes to O.K. the budget or not to O.K. it. But I did go on record in the Senate Finance Committee as being opposed to this and I would like to say I am for this amendment.

ROLL CALL

Requested by Sen. R. Smith. Seconded by Sen. Downing.

Yeas: Sens. Gardner, Jacobson, Nixon, Leonard, Ferdinando, Morrissette, McCarthy, Marcotte, Downing, Tufts and Foley.

Nays: Sens. Lamontagne, Poulsen, S. Smith, Snell, Townsend, Spanos, English, Porter, R. Smith, Provost and Brown.

Result: Eleven Senators having voted in the affirmative and Eleven having voted in the negative, the Amendment Lost.

Sen. Jacobson moved adoption of an amendment.

Sen. JACOBSON: Some weeks ago the Senate Education Committee did something unusual. It held a hearing on that portion of the budget that related to the University and we had the heads of the University at Durham, Plymouth and Keene. We had a chance to discuss very carefully the requested appropriation. We got into a discussion with regard to the lowering of the tuition. It was stated at that time by President Bonner that he felt he wanted the lowering of the tuition to at least provide some kind of a psychological impact. However, it was my view that when all the testimony was in, the reduction of $50 was not really the critical issue with respect to the question of tuition and that the real issue was those students who could

not attend the University because of fundamental need that might range from $50 to $500. With that in mind, I went to put this proposal as I have now, or in some other form, to the Senate Finance Committee. As I understand it, they did consider it and it was a tie vote in the Finance Committee.

Now, I would like to go a little bit further on the question of tuition for just a moment. It has been stated that we have the highest tuition in the United States. That is true at this moment. However, the State University System of New York has adopted tuition rates for next year in which for two of the categories — graduate students and professional students — tuition rates will be greater than $1,000 and for juniors and seniors, it will be $850. So that they are getting very close to the same figure as we are. Our neighbor to the south has had a very low tuition rate. At this very moment, there is in the legislative hopper in the Massachusetts General Court a number of bills, all of which raise the tuition and, as I understand it, the one that has the greatest chance of passing down there is a bill with a sliding tuition. In other words, you will pay a tuition on the ability to pay.

What my amendment does is, in fact, allow that to a slight degree over the next year until we meet in the Legislature again, and the Commission on Higher Education has a chance to make a report. We are studying the matter of tuition and other financially related questions and I think to lower the tuition at this moment is inappropriate. However, because there is a need among some students attending the University, I think we ought to provide some additional money to help those who qualify otherwise but do not have the financial resources. This is what my amendment does. It provides $200,000 of money from the budget to these people.

The remaining 200 odd thousand dollars that is in the amendment as passed by the Senate would then go into monies to increase the cushion. I am a little bit fearful about the tightness of the cushion as it exists now. I am somewhat fearful, as I stated, that our entrance into the lapse factor might make a very tight condition and, therefore, in order to increase the cushion, this would give it another $200,000, which would make it somewhat in excess of $1,100,000. This would be the thrust of the amendment and I feel at this moment this would be reasonable way to handle the problems of those who have need and yet

maintain the present tuition level until the next session of the Legislature when the Commission on Higher Education will come in with, I think, some very significant recommendations for the University, including a better way of budgeting so that the University can function better. It functions with difficulty within our present budgeting procedure. At the present time, I would like to see the tuition rate stay as it is and yet provide aid for the needy students.

Sen. S. SMITH: I rise in opposition to this amendment. I understand fully Sen. Jacobson's concern. And I have an understanding of what he is talking about. However, it seems to me that what we are doing here is ignoring a request of the University that this should have priority. Dr. Bonner, as Sen. Jacobson talked about his testimony, talked about the morale at the University. My feeling is also that this would be a boost. We talk about grants for needy students. I am sure there are many students in need of this. I think apparatus is already set up to take care of a great number of the so-called needy students. Is this going to turn away — this high rate of tuition — students who would gain greatly from being at the University or at one of its two branches, students who may not be able to afford it at this rate? Even though it is a small amount, we would be reducing it. It may very easily be the turning point for them to say, "All right, I'm going to forget college now and do something else." We are seeing this. I think some other testimony as to the number of applications coming into the University, particularly at Keene and Plymouth, relative to the reduction in the number of students applying which is much greater than in other schools of a similar type through the eastern seaboard area. It is my feeling that what is going to happen is that we are going to prevent students, at least psychologically if in no other way, from going to the University. No student entering who may also be in need is going to receive these funds until he is there and is providing himself. At least this is my understanding of monies for needy students, that it is for those students there who need it. But it is the younger ones coming in I think who would be badly hurt, plus the morale situation.

Sen. SNELL: Did Dr. Bonner guarantee that tuition in the year of 1973 would not rise if we decrease tuition at this time?

Sen. S. SMITH: I don't think he made any guarantees at all.

Sen. JACOBSON: One of the questions that you raised in my mind was that you said these students who would be incoming students in the Fall would not be eligible for aid. Do you know that for a fact?

Sen. S. SMITH: What I am saying is he probably will not be as eligible as a student already there. I do not know this for a fact that he would not be eligible, but I think much of this type of aid, unless it is a scholarship type of aid, is based on students who are having problems in the school.

Sen. JACOBSON: Is it not true that an incoming student can present an economic profile in the Princeton format to the University? I have signed two or three as state senator for state aid prior to admission the first time.

Sen. S. SMITH: I think this is possible. But also, I am saying that it has evidently limited the number of people who are interested in going to the University at the present time — the accelerating tuition.

Sen. JACOBSON: Assuming that the reason why these people are restricted in terms of going on the basis of financial aid, if this were to be adopted, this information would pass to our high schools I presume. Would that not reduce that reluctance?

Sen. S. SMITH: You mean in regard to needy?

Sen. JACOBSON: In regard to financial need.

Sen. S. SMITH: This is possible, but I think that the fact that these tuitions have been increasing rather steeply over the last few years has a greater psychological effect in keeping students out.

Sen. ENGLISH: Where does the $200,000 come from?

Sen. JACOBSON: The $200,000 comes from the budget as prepared by the Senate Finance Committee and that would be an additional amount in terms of scholarship aid, in terms of financial need. And the other $202,000 that was in the budget here for the purpose of reducing the tuition $50 would then become part of the cushion in terms of revenue versus expenditure, to increase the final cushion between the total expenditures of the budget and the total revenue.

Sen. ENGLISH: The budget with respect to Education as passed by the Finance Committee, you are not changing that?

Sen. JACOBSON: Yes, I am.

Sen. ENGLISH: From what item are you taking that?

Sen. JACOBSON: I am simply reducing the appropriation of $402,000 to $200,000.

Sen. DOWNING: Can you explain to me why the last line of the amendment, which I realize is current statute, why the costs are figured on the preceding year for setting the tuition rather than on a projection for a current year, much the same as most people operate.

Sen. JACOBSON: That relates to out-of-state tuition and they don't know the operating cost of the current year and, therefore, they have to set it on the basis of the prior year. This is exactly what they are doing right now for next year.

Sen. DOWNING: Don't you feel they should be capable of projecting estimated costs the same as we have to project for two years of operating the state, your School District or your town, or anybody else's projects. Shouldn't they be able to project operating costs on the basis of tuition on the projected costs?

Sen. JACOBSON: I cannot speak to their capability. I think they are all very sincere and fine people down there at the University and our Higher Education Study Commission is trying to develop a program of what we call budgeted program, so that they would be able to use it in a better way in the future.

Sen. DOWNING: Your amendment will have the effect of cutting what the Finance Committee is recommending in half. I can appreciate your reservations relative to the potential revenue. But you have made no provision in your amendment that should the revenue be available that money should be available to the University.

Sen. JACOBSON: I have not and that is true for every area of the budget — school building aid, dual enrollment, or any area.

Sen. DOWNING: Don't you feel it may have been wiser by way of a footnote or some such thing to make this money available if, in fact, it was available to the University?

Sen. JACOBSON: That would be question of priorities you have talked about a great deal — that, conceivably if there

were additional money available, we can put it in school foundation aid; we could put it in school building aid; we could put it in dual enrollment programs. If there were that money available, then we would have to discuss that issue. At the present time, we are talking about a certain revenue figure as related to a certain expenditure figure.

Sen. DOWNING: We are operating on a certain revenue projection and it is anticipated we will have the revenues to fund this in the area of $400,000. If we do not allocate that money now, then it is not going to be spent for anything. It will just be considered surplus money without any place to go and, if it were allocated somewhere, it could be spent and do some good in any one of those areas including this one you are suggesting. Is that true?

Sen. JACOBSON: That certainly is true except the money that is allocated in the amendment as presented by the Finance Committee is a reduction of $50 in tuition which, if that doesn't happen, that $50 of tuition then would continue. No, we are not, at least in theory, losing any of that money. We are actually increasing the amount of money to the University, *vis-a-vis* my amendment.

Sen. DOWNING: I don't understand that at all. I wish you would explain it. I don't understand how on one hand you can be taking money away from the University in one way or another, whether it is money allocated to reducing the tuition of all the students or reducing the tuition of some students and, at the same time, be giving them money.

Sen. JACOBSON: My amendment does not reduce the tuition of any student *per se*. My amendment simply creates a fund of $200,000 out of the operating budget whereby those students who do demonstrate financial need and their inability to continue at the University without that financial aid, would have an extra source on which to draw.

Sen. DOWNING: How much money is available for that purpose now?

Sen. JACOBSON: I do not know.

Sen. MORRISSETTE: This amendment is similar to the first portion of my amendment. The question is a very simple one -- shall we subsidize the rich and the majority of the stu-

dents are in this classification here or shall we set up a grant to aid the needy student? It seems to be a very simple thing. I don't see how we can be so naive or duped by propaganda regarding a tuition decrease when there won't be a tuition decrease. We talk about not doing our share for education. I was at the hearing when President Bonner testified and one of the Commissioners of Education, Mr. Brunelle I think it was, and it was brought up at this hearing that it is true that in education we may be 37, and I am talking about regular education not at the University but in per capita income we are 25th insofar as the state, so we are spending very much our fair share. It was also brought up that tuitions of our neighbor to the south are lower. Obviously they are lower. They are not subsidizing 30% of out-of-state students. They have by law a limitation of 5%. And then you hear this ridiculous thing that students are not going to go to the University. There's a lot of students that are turned down at the University. It is the other way round. It is just the opposite. It is a distortion of the truth. I have mentioned before I tried to get my son into the System some time ago and they said he did not have good enough grades and yet he went to another college, the first semester he made the Dean's List. So there is plenty of students. in fact more students. We can't afford to educate all our students at UNH. Right now, I think we are helping our University but we are asking them to do it on the basis of the need of the needy students rather than an across the board propaganda reduction in tuition which will not take place.

Sen. McCARTHY: I am just a bit perplexed as to the two portions of the amendment but, because of the sentiment and the value of setting up this contingency fund, I am going to vote for the amendment. I think there is a crying need in this area and I think that Sen. Jacobson's amendment does an awful lot to solve some of the inequities in the state of New Hampshire. I have been troubled myself by a couple of youngsters in Manchester who are students at the University of New Hampshire. Sen. Smith referred to incoming students. Well, sometimes it is the students in the second year who are excellent students. After their first year scholarship, their various service club scholarship, etc. evaporate they really run into a bind. So I think a fund to help the students in the school who are already proven by their academic record, etc. I think a fund like this should be available. So I intend to vote for the amendment

but I am still a bit perplexed about what happens to the other $200,000.

Sen. S. SMITH: Just two main points. If this amendment should be adopted — $200,000 for the second fiscal year — no student would be available for that money until the Fall of 1973, so that you are not giving money in this coming fiscal year or school year. It would be only in the second school year. Secondly, I would like to point out that with 8,000 students, we will assume on the 3 campuses, with the $200,000 appropriation and you have 2,000 needy students, or 25%, this would average out about $100 per person in the second year of the biennium.

ROLL CALL

Requested by Sen. Leonard. Seconded by Sen. English.

Yeas: Sens. Gardner, Jacobson, Nixon, English, Leonard, Ferdinando, Morrissette, McCarthy, Marcotte and Downing.

Nays: Sens. Lamontagne, Poulsen, S. Smith, Townsend, Spanos, Porter, R. Smith, Provost, Brown, Tufts and Foley.

Result: Ten Senators having voted in the affirmative and Eleven having voted in the negative, the Amendment Lost.

Sen. Snell not voting under Rule 42.

Sen. DOWNING: I have a question for Sen. Smith of the 15th District. On page 12, a footnote under the Liquor Commission budget states that working hours of individual store employees shall be so assigned as to most effectively, efficiently and economically provide for adequate customer service requirements in each store within the limits of funds appropriated herein. This, to me, says that the Liquor Commission can open up the stores any day — Sundays, holidays, any hours it wants. Is that the intent or is it the intent of the Committee that put it in there that they would just be able to set hours within the normal working days as I assume they did already.

Sen. R. SMITH: I find it difficult to comment on the intent of this footnote because it was inserted by the House. As far as the Senate Finance Committee having any intent in this, I don't think we do. I quizzed the Commission on this particular footnote when they appeared before the Committee. I think it was their feeling that it was somewhat redundant in the fact

that it certainly was their intention to run the stores effectively, efficiently and economically to provide for customer service requirements within the limits of all funds appropriated. It was not our intent by leaving this footnote in here to permit them to operate the stores any hours they so desire.

Sen. DOWNING: If you would just extend that a little bit. My concern is specific. Sundays and holidays are not permitted now. I feel I am rightfully concerned with this because there was a bill introduced in the House, approved by the Rules Committee as I recall, that permitted this. Now, somewhere along the line that must have been withdrawn and they found out this was a more expedient way of handling the matter. I am very concerned with it and I am wondering if you could not make it clear specifically in the areas of holidays and Sunday openings that are not permitted now what the intent of the Committee would be so that it would be on the record and there wouldn't be any confusion later on.

Sen. R. SMITH: I think I might be safe in saying, unless there is an objection from someone else on the Committee, that it is not the intent of the Committee through this language to subvert any other section of the law pertaining to Sunday or holiday openings through a footnote.

PARLIAMENTARY INQUIRY

Sen. NIXON: Does a statement of legislative intent made on the record and printed in the *Senate Journal* effectively prevent something being done such as requiring state employees to work hours which are not authorized by the Legislature?

CHAIR: It is the understanding of the Chair that when such matters come before the courts, the court frequently refers to the *Senate Journal* and considers the intent expressed therein.

PARLIAMENTARY INQUIRY

Sen. NIXON: Do I understand then that the only way that an employee who objected to working on a Sunday or on a holiday not authorized by this Legislature in a statute could raise the question would be by filing a suit and asking for an interpretation of the legislative intent, otherwise he might be required to work those days?

CHAIR: The Chair would state he does not feel he is in a position to answer the Parliamentary Inquiry which you placed.

Sen. NIXON: Sen. Smith, are we correct in understanding that footnote cb on page 12 of the Committee's amendments to HB 43 does not in any way, shape or form, or to any degree authorize or infer that any state employees are to work in state liquor stores at any time not already authorized by legislation.

Sen. R. SMITH: I think that is correct. Yes.
Ordered to Third Reading.

TAKEN FROM THE TABLE

Sen. Nixon moved HB 62 be taken from the table.
Adopted.

RECONSIDERATION

Sen. Porter moved the Senate reconsider the action taken whereby it defeated the Motion of Sen. McCarthy to substitute "Ought to Pass" for the committee report of "Inexpedient to Legislate" on HB 62.
Adopted.

Second Reading

HB 62, repealing statute on group marketing of motor vehicle insurance.

Sen. Leonard moved adoption of the following Amendment:

AMENDMENT

Amend HB 62 by striking everything after the enacting clause and substituting the following thereto:

Amend RSA 407-B:2, III by substituting the word (two) for the word "five" in line two thereof and by substituting the words (one hundred) for the words "five hundred" in line eight thereof.

Sen. LEONARD: When we last considered HB 62, we had a Mexican stand-off. At the recess, we discussed it and some of the members on both sides of the vote agreed to an amendment to the present law.

What this amendment does, under the present law, as I

mentioned before, the group that is controlled by this legislation it is 500 members in existence for 5 years. This amendment makes two changes. It changes the 500 to 100 members and it changes the 5 years in existence to 2 years in existence.

Amendment Adopted.

Sen. Nixon moved adoption of the following amendment:

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act
regulating mass marketing of property-liability insurance.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Mass Merchandising of Property Liability Insurance. Amend RSA by inserting after chapter 407-B the following new chapter:

Chapter 407-C
Mass Marketing of Property-Liability Insurance

407-C:1 Purpose. The purpose of this chapter is to prevent abuses in connection with the sale of property-liability insurance in this state pursuant to mass marketing plans, while preserving for consumers the potential benefits of this form of marketing.

407-C:2 Definitions. As used in this chapter:

I. "Mass marketing plan" means a method of selling property-liability insurance wherein:

(a) such insurance is offered to employees of particular employers or to members of particular associations or organizations or to persons grouped in other ways, and

(b) the employer, association or organization if any, has agreed to or otherwise affiliated itself with, the sale of such insurance to its employees or members; and

II. "Property-liability insurance" means all classes of insurance that will now or hereafter be written in this state pursuant to RSA 401:1, I, II, V, VI and VII.

407-C:3 Fictitious Arrangement Prohibited. No insurer shall, without the approval of the commissioner sell insurance pursuant to a mass marketing plan to members of any association or organization formed principally for the purpose of obtaining such insurance.

407-C:4 Premium Rates. Premium rates under a mass marketing plan shall comply with the standards in the insurance law, including the standards that rates not be excessive, inadequate, or unfairly discriminatory. Rates shall not be deemed to be unfairly discriminatory because different premiums result for policyholders with like loss exposures but different expense factors, or like expense factors but different loss exposures, so long as the rates reflect the differences with reasonable accuracy. Rates shall not be edeemed to be unfairly discriminatory if they are averaged broadly among persons insured under a mass marketing plan.

407-C:5 Statistics. An insurer selling insurance pursuant to mass marketing plans shall maintain separate statistics as to loss and expense experience pertinent thereto.

407-C:6 Producers. No person shall act as an insurance agent or an insurance broker in connection with a mass marketing plan for any kind of insurance unless such person is duly licensed in accordance with law as an agent or broker for such kind of insurance.

407-C:7 Compulsory Participation Prohibited. No insurer shall sell insurance pursuant to a mass marketing plan if it is a condition of employment or of membership in an association, organization, or other group that any employee or member purchase insurance pursuant to such plan, or if any employee or member shall be subject to any penalty by reason of his nonparticipation.

407-C:8 Tie-in Sales Prohibited.

I. No insurer shall sell insurance pursuant to a mass marketing plan if:

(a) the purchase of insurance available under such plan is contingent upon the purchase of any other insurance, product, or service, or

(b) the purchase or price of any other insurance, product,

or service is contingent upon the purchase of insurance available under such plan.

II. This provision shall not be deemed to prohibit the reasonable requirement of safety devices, such as heat detectors, lightning rods, theft prevention equipment and the like.

407-C:9 Disclosure Required. Every insurer, agent, or broker selling insurance pursuant to a mass marketing plan shall, prior to sale, make full and fair disclosure to prospective insureds of all features of such plan, whether favorable or unfavorable, including but not limited to premium rates, benefits, duration of coverage, policyholders services, conversion privileges available, and the financial interests in the plan, if any, of the sponsoring employer, association, organization or the group.

407-C:10 Underwriting Standards. No insurer shall use underwriting standards for individual risk selection in a mass marketing plan which are, on the whole, more restrictive than the standards used by such insurer for individual risk selection in the sale of the same kind of insurance in this state other than pursuant to mass marketing plans. In the event insurer does not sell such kind of insurance in this state other than pursuant to mass marketing plans, its underwriting standards for individual risk selection in such plans shall, on the whole, be no more restrictive than the standards used by its principal affiliate, if any, for individual risk selection in the sale of such kind of insurance in this state other than pursuant to mass marketing plans.

407-C:11 Cancellation and Non-Renewal.

I. For purposes of RSA 417 and 417-A limiting the cancellation and non-renewal of insurance policies, the failure of an employer, association, organization or other group to remit premiums when due for any reason (including but not limited to interruption or termination of employment or membership) shall not be regarded as "non-payment of premium" by any insured under any such plan providing for remittance of premium by such employer, association, organization or other group, unless such insured shall have been given written notice of such failure to remit and shall not himself have paid such premium by the later of: (a) twenty days after such notice or

(b) the due date of such premium remittance under the mass marketing plan.

II. All mass marketing plans shall provide that upon termination of employment or membership or upon the discontinuance of the mass marketing plan, the insured employee or member may maintain his policy in force for sixty days in the same amount, upon payment of the premium applicable to the class of risk to which he belongs on an individual basis. The option to maintain the insurance in force shall be exercised within thirty days following the date of termination. Any notice of cancellation or non-renewal of any policy of an employee or member insured under a mass marketing plan shall be accompanied by a notice to the employee or member that, at his request, the insurer will afford the employer, association, organization, or other group a reasonable opportunity to consult with the insured and to present facts in opposition to cancellation or non-renewal.

407-C:12 Compulsory Facilities. An insurer, agent, or broker selling insurance pursuant to a mass marketing plan shall, with respect to any employees or members who apply for but are denied insurance under such plan, assist such persons in obtaining insurance through any other appropriate voluntary or mandatory insurance plan, established purusant to RSA Title XXXVII.

2 Repeal. RSA Chapter 407-B Group Marketing of Motor Vehicle Insurance as inserted by 1969, 288:1 is hereby repealed.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. NIXON: The amendment now before you would replace the existing statutes relating to mass marketing of insurance. You may recall earlier this afternoon, in our discussion in respect to HB 62, reference was made by myself and one or more other speakers that we had a situation where there were basically three alternatives before us in regard to what properly should be done in this area. One was to pass HB 62 as we got it, which would merely abolish all existing legislation on the subject. Another was to refer the matter to an interim study committee composed of Senate Banks & Insurance Committee and House Insurance Committee. And the third possibility was to replace existing legislation with legislation thought to be more

in the interest of all parties concerned — the public, the agents and the companies.

The amendment now before you would do the third of the alternatives which I specified. It is, in effect, and word for word, the package of regulations adopted by the National Association of Insurance Commissioners as the best means of handling the touchy matter of mass marketing of property-liability insurance. In this respect, I might say it is also very much similar to the Hawaii legislation on this subject and the New York state regulation on this subject, both of which have generally been acknowledged as being comprehensive, fair and progressive in this field. These regulations, which would be in statutory form if this amendment is adopted, were the result of the work of the sub-committee of the National Association of Insurance Commissioners during the Summer and Fall of 1971. I might say in that regard, when legislation comparable to what is before you was proposed in the 1971 regular session, the Insurance Commissioner appeared and suggested that the House defer any action on it until the NAIC completed its deliberations. Again, when the NAIC did complete its deliberations, it recommended that what you see before you as the amendment to HB 62 be adopted in the nature of regulations rather than statutory legislation. I prefer the legislative way, but will accept the word of those involved that what you see before you is, in fact, the NAIC recommended regulations as the fairest way to deal with this subject, having in mind the interests of all concerned.

There are no year, or group number, or percentage requirements which, in effect, means that the small local agent has as much chance at group marketing as the large fellow. And there are in the bill the protections against skimming or taking off the cream, as it has been variously described, which will protect also the element of fairness in the system. And for that reason I propose the amendment.

Sen. LEONARD: The title of your bill is "property-liability insurance" and the title of the law we just amended was "group marketing of motor vehicle insurance."

Sen. NIXON: That is correct.

Sen. LEONARD: Does this include motor vehicle insurance?

Sen. NIXON: Yes.

Sen. LEONARD: I don't see any reference to it other than II of 407-C:2 where there is reference to RSA 401, section 1, I, II, V, VI and VII. Have you checked out those to see if they actually are concerned with motor vehicle liability insurance?

Sen. NIXON: The present statutes deal only with motor vehicle liability insurance. The amendments now before you are more comprehensive and pertain to the whole area of property-liability insurance. Motor vehicle insurance is a form of liability insurance.

Sen. LEONARD: So this amendment that you have is a broader range than the one limited to motor vehicle liability insurance on which we just voted?

Sen. NIXON: That is true.

Sen. LEONARD: And the last section of this amendment repeals 407-B which we just amended?

Sen. NIXON: That is correct. It replaces it with the rest of the package.

Sen. LEONARD: Now we are not confined to the points we discussed earlier in the day. We are getting into a broader field and one of our problems this afternoon was we did not have time to investigate and get into a broader field.

Sen. NIXON: That is fair to say. But I was impressed with one or more arguments being made earlier this afternoon to the effect that our primary concern should be with what is considered to be the interest of the parties directly affected, particularly the insurance buyer, the agent and the companies involved. As far as I have been able to tell, and I have sought the advice of all parties and their representatives interested in this subject, what you see before you as the amendments proposed to HB 62, are the result of the comprehensive study of the general subject by the most impartial authority in the area that I know of and that is the National Association of Insurance Commissioners.

Sen. JACOBSON: I am following up Sen. Leonard's questions to a degree. On page 3, there is an interesting sentence that appears in II where it says, "This provision shall not be deemed to prohibit the reasonable requirement of safety devices, such as heat detectors, lightning rods, theft prevention equipment and the like." Obviously, there are no lightning

rods on automobiles and heat detectors are usually a house piece of equipment and, while there may be some theft prevention equipment in automobiles, it is generally house. Are we dealing with a wholly different subject?

Sen. NIXON: I do not believe so and I don't believe that language fairly read indicates at all it intends to be exclusive. I think the words "and the like" finish up the clause.

Sen. JACOBSON: Then why is there not some automobile language in this?

Sen. NIXON: I cannot answer that, but I do not believe it is necessary. The reason for that whole clause is obvious. It is to prohibit situations where the sale of insurance is based on the purchase of another product.

Sen. MORRISSETTE: This is a 6 page bill here with obviously a tremendous amount of content to it. Has there been any public hearings held on this particular bill as such in the past?

Sen. NIXON: Yes.

Sen. MORRISSETTE: Coming in at this late hour, we don't even have time to read it, even less digest it. Has there been a public hearing and the normal due course of passing of laws?

Sen. NIXON: Yes. At the time HB 597 was considered during the regular session, proposed amendments in the nature of what is before you based on the Hawaii model legislation and the New York regulations, the forerunners of what you see before you, were considered by the House Committee and then again, I understand, by the House Interim Study Committee.

Sen. MORRISSETTE: Does the Insurance Commissioner know anything about this bill?

Sen. NIXON: Yes. The Insurance Commissioner was very active in requesting that this particular package you see before you be considered by the Senate today and he was one of those who brought the basic language up to the Legislative Services Office for redrafting.

Sen. FERDINANDO: I oppose this amendment. I had the opportunity to read the 6 pages and some of the things that

came to my attention in comparing the existing statutes with the proposed amendment is that the existing statute says that the insurance company must accept all members or employees that are eligible. And there is no provision in there, there is nothing said about experience rating or protective devices for the members. I think it is a very important bill for us to consider. It may be very workable in Hawaii, but we are in New Hampshire not in Hawaii. I would certainly hope that the members would be very hesitant to act on a bill as important as this at this particular time.

Sen. McCARTHY: I guess the question is still whether anybody in New Hampshire really cares whether people can avail themselves of mass marketing of group policies, whether it be for their homeowners policy or their automobile policy. A lot of this argument is old and historic. Insurance agents went through the same thing when they first started to talk about selling group life insurance. The independent agents were up in arms about that. The initial limitations there, probably if they weren't 500, were certainly up in the area of 100. And now we are to the point where we are down to about 10. It doesn't make sense to me that if a company is able to sell something at a profit — they are not selling it to lose money — why people of New Hampshire can't avail themselves of it. I think that the amendment of 100, while it is a big improvement over 500, is kind of a subterfuge too and even the 2 year limitation. What about a new company that might move into New Hampshire and he is not signed up with any independent agent, he certainly isn't hurting anybody. He might want a group automobile or a group homeowners policy for the employees. He might have 30 people. I don't see why he can't avail himself of that. He is going to get a group health program now. Fortunately after all those years they finally did manage to cut that down. This business about a 100 and 2 years old is ridiculous. This bill here is a comprehensive bill that covers all forms of insurance and I can't see any pitfalls with it. It is endorsed by the Insurance Commissioner. I speak in favor of Sen. Nixon's amendment to HB 62.

Sen. FERDINANDO: Are you aware that the insurance companies are in favor of this particular bill?

Sen. McCARTHY: I am not aware of who is in favor of this bill. I am aware that I am in favor of this amendment, based on the evidence I have heard.

Sen. FERDINANDO: Do you understand this bill?

Sen. McCARTHY: Yes I do.

Sen. FERDINANDO: Have you compared this bill with the existing statutes we have on the books today? Have you had a chance to digest the statute?

Sen. McCARTHY: From what I have heard about the statute today, and nobody has refuted that in fact it has been corroborated many times is that the limitation is 500 and that the time period is 5 years. That is my understanding.

Sen. FERDINANDO: You are discussing two words in what happens to be a 3 page statute. Are you aware of that? There are a lot of conditions that protect the people in the state under the existing statute that would be wiped out if you pass this bill. Are you aware of that?

Sen. McCARTHY: I am aware of one thing — that there are many safeguards built into this amendment — such as underwriting standards. There are more protections built into this piece of legislation than certainly purport to be in that previous statute.

Sen. FERDINANDO: Are you aware there is absolutely no provision in this particular amendment for an insured who leaves a group as to what happens to him. Are you aware of that? Where does that person go? Does he end up in the assignment pool?

Sen. McCARTHY: I would think if he is an acceptable risk from an underwriting standpoint that he goes to an independent agent just like independent people do when they leave a group health program. They are insured by Blue Cross on an individual basis.

Division Vote: 13 Yeas; 9 Nays.
Amendment Adopted.

Sen. S. Smith moved HB 62 be referred to the Joint Committee of House Insurance Committee and Senate Banks & Insurance Committee.

Sen. S. SMITH: I rose earlier this afternoon questioning this bill. The more I see of it, the more confused I become. The hour is late. I think that the present law is probably not a good

law. I am not convinced what the first amendment did was necessarily of merit. I am not convinced on this amendment. I think that Sen. Nixon has offered a very good amendment, probably, but I think there are questions which arise here which may have a great effect not only on the insurance industry, but also on the consuming public. I don't know what the answers are at this late hour. I am not convinced that any senator here does know all the answers. We shall be back here in 9 months. In that period the Interim Committee will have an opportunity to look at this legislation and to hear all arguments from all aspects of the industry and the consumers. I think we are passing legislation here possibly in the heat of the moment. I have seen pressure on every senator here. I have seen interest from all angles descend upon this Senate today. I am not sure that we are acting in a reasonable manner in the passage of this bill.

I hope the Senate will go along with my motion.

Sen. McCARTHY: One final argument against the motion to refer it to the study committee. All I can say is you are going to give people 9 months to really build up the pressure, put the pressure on people. Personally, I did not get any calls or have pressure put on me from anybody. As a matter of fact, 3 days ago, before I even knew much about this bill, I was wide open on it and said it wouldn't bother me at all. But I do suspect now that this is not in the interest of the consumer. I think that many of you people received calls from from independent insurance agents and I think they will have 9 more months. The consumer certainly doesn't know he is getting a bad deal here; he probably doesn't even realize that the statute says you have to have 500 people in a group. So you are not going to get that kind of calls. But you are going to get calls from the insurance agents and the insurance lobby. I think it would be a terrible mistake to refer this to a study committee. I said it before and I really thought we had decided that one earlier today. I would like to urge you, as strongly as I can, not to send this to a study committee.

ROLL CALL

Requested by Sen. Poulsen. Seconded by Sen. Townsend.

Yeas: Sens. Poulsen, S. Smith, Snell, Townsend, Gardner, Jacobson, English, Porter, Leonard, Ferdinando, Morrissette and Provost.

Nays: Sens. Lamontagne, Spanos, Nixon, R. Smith, McCarthy, Brown, Marcotte, Downing, Tufts and Foley.

Result: Twelve Senators having voted in the affirmative and Ten having voted in the negative, the Motion was Adopted.

Referred to Joint Committee of House Insurance Committee and Senate Banks, Insurance and Claims Committee.

HOUSE REFERRALTO ELECTION LAWS COMMITTEE

SB 11, relative to appointment of student ballot inspectors.

LAID ON TABLE

The House has voted the following be laid on the table because not funded:

SB 1, establishing an environmental protection division in the office of the attorney general and making an appropriation therefor.

SB 8, to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor.

Sen. Spanos moved that the Senate do now adjourn from the Early Session and that on third reading all bills be read by title only, and that when the Senate adjourns it be until tomorrow at 1 o'clock and that when we do so, it be with great congratulations to Sen. Spanos who, like Lazarus, arose from the dead.

Adopted.

LATE SESSION

SUSPENSION OF THE RULES

Sen. Spanos moved that the Rules of the Senate be so far suspended as to place on third reading and final passage at this time: HB 4, HB 43, HB 55, HB 66, HB 68 and HB 71.

Adopted.

Third Reading and Final Passage

HB 4, relative to public outdoor entertainment.

HB 43, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending

June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, certain state officers, and non-academic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof, amending the duties of the director of the division of accounts, making an appropriation for the non-public school study commission, making an appropriation for the committee on legislator orientation, and authorizing an agreement with Ohio state university veterinary school to enroll New Hampshire residents and making an appropriation thereof.

HB 55, exempting the real and personal property of the Nashua Historical Society from taxation and repealing the limitation on the amount of property said society may hold.

HB 66, providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor.

HB 68, relative to permitted earnings for retired teachers and state employees and qualifying the commissioner of safety as a policeman member of the New Hampshire retirement system, and providing relief to any employee or teacher from the effect of the wage freeze.

HB 71, relative to the acquisition and disposal of industrial facilities.

RECONSIDERATION

Sen. Spanos moved Reconsideration of HB 4, HB 43, HB 55, HB 66, HB 68 and HB 71.

Motion Lost.

Sen. Porter moved the Senate adjourn at 8:20 p.m.

Adopted.

Wednesday
15Mar72

The Senate met at 1 o'clock.

A quorum was present.

Prayer was offered by Senate Chaplain, Rev. William L. Shafer.

IN NOMINE PATRIS, ET FILII, ET SPIRITUS SANCTI. AMEN. "Give us, O LORD, a steadfast heart, which no unworthy affection may drag down; give us an unconquered heart, which no tribulation can wear out; give us an upright heart, which no unworthy purpose may tempt aside. Bestow upon us also, O Lord our GOD, understanding to know Thee, diligence to seek Thee, wisdom to find Thee, and a faithfulness that may finally embrace Thee; through Jesus Christ our Lord." Amen.
(ex. prayers of Thomas Aquinas)

Pledge of Allegiance was led by Sen. Nixon.

HOUSE CONCURRENCE IN SENATE AMENDMENT

HB 68, relative to permitted earnings for retired teachers and state employees and qualifying the commissioner of safety as a policeman member of the New Hampshire retirement system, and providing relief to any employee or teacher from the effect of the wage freeze.

HOUSE CONCURRENCE

SB 12, permitting the industrial development authority to exceed its bonding limit if found necessary by the governor and council to protect the interest of the state in any project.

HOUSE NON-CONCURRENCE IN SENATE AMENDMENT

REQUEST FOR COMMITTEE OF CONFERENCE

Upon motion of Sen. Townsend, the Senate voted to accede to the request of the House for a Committee of Conference on:

HB 43, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees and non-academic employees of the University system, establishing a state classified personnel and management study commission and making appropriations thereof.

The Speaker has appointed as members of said Committee on the part of the House: Reps. Drake, Weeks, Raymond, McGinness, and Belcourt.

The President appointed as members of said Committee on the part of the Senate: Sens. R. Smith, S. Smith and Spanos.

ENROLLED BILLS AMENDMENT

HB 45, authorizing payment of relocation assistance in eminent domain takings in which federal funds are involved and relative to New Hampshire Distributing Agency.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved, providing for regulations relative to the distribution and receipt of surplus commodities, and establishing a committee to study improvement in the commodity food distribution programs.

Sen. Provost moved adoption.
Amendment Adopted.

COMMITTEE REPORTS

HB 7

authorizing state agencies to maintain certain records to qualify for federal funding. Ought to pass with amendment. Sen. Tufts for Ways & Means.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act
authorizing state agencies to maintain certain records to qualify for federal funding and providing for inclusion of the social security amendments of 1971.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Discrimination. Amend RSA 354-A:8 (supp) as amended by inserting after paragraph VIII, the following new paragraph: IX. The gathering, recording and reporting of data relative to the matters set forth in paragraph III hereof by any state agency shall not be a violation of this or any other statute, rule or regulation pertaining to civil rights, if such actions are carried out for the federal government in connection with federal funding for the agency involved.

2 Inclusion of the Social Security Amendments of 1971. Amend 282:22, I, (supp) as inserted by 1969, 451:8, by inserting in line seven after (P.L. 90-248) the following: (and the Social Security Amendments of 1971 (P.L. 92-223)) so that said paragraph as amended shall read as follows: I. The department of employment security, through its commissioner, is hereby authorized to enter into an agreement, containing such provisions as the commissioner in his sole judgment deems in the best interests of the state, with the secretary of the United States department of labor in order to carry out those provisions of Part C of Title IV of the Social Security Act as amended by the Social Security Amendments of 1967 (P.L. 90-248) and the Social Security Amendments of 1971 (P.L. 92-223) and to perform such acts and do all those things which the commissioner finds necessary and appropriate to carry out such agreement. All the power and authority otherwise granted in this chapter to the commissioner shall equally apply under this section.

3 Effective Date. This act shall take effect upon its passage.

Sen. TUFTS: The title is practically self-descriptive. The Committee has recommended an amendment which is in two sections. The first section, which I will describe, you may find difficult to believe because it is going to increase the federal participation rather than decrease the federal participation. We were informed that Employment Security by qualifying under Social Security Acts in the next year will receive 20% federal funding rather than 10%.

The second section was handed to us by Legislative Services. They did not feel the House version quite carried out the intent of the title. So the amendment merely adds on the end of the bill "if such actions are carried out for the federal government in connection with federal funding for the agency involved." This ties it solely to keeping the records for the federal government when the federal government gives us the money.

The Committee unanimously approved of the bill and the amendment.

Amendment Adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Sen. Tufts moved the Rules of the Senate be so far suspended as to place on third reading and final passage at this time HB 7.

Adopted.

Third Reading and Final Passage

HB 7, authorizing state agencies to maintain certain records to qualify for federal funding and providing for inclusion of the social security amendments of 1971.

Adopted.

ENROLLED BILLS REPORT

SB 4, increasing fees that ski tow operators pay.

SB 14, making an appropriation from the Nesmith Trust Fund and changing the annual appropriation therefrom.

SB 19, relative to sale of liquor at golf clubs, indoor tennis clubs, racquet clubs and nonprofit clubs.

SB 20, to license private detectives and private detective agencies.

SB 25, to provide penalties for violation of the disclosure of information laws relating to horse and greyhound racing, and to amend the provisions relating to disclosure of information.

SJR 1, establishing an interim committee to study the role

of the judiciary relative to the concept of the separation of powers.

HB 10, state aid for sewage disposal facilities.

HJR 3, to authorize certain cities to verify their checklists in 1972 rather than in 1973.

Sen. Ferdinando
For The Committee

Adopted.

SUSPENSION OF THE RULES

Sen. Porter moved the Rules of the Senate be so far suspended as to dispense with notice of public hearing, holding of public hearing and notice of committee report on HB 17, HB 24, HB 41, HB 42, HB 57, HB 67 and HB 74.

Adopted.

COMMITTEE REPORTS

HB 74

relative to flammable fabrics. Ought to pass with amendment. Sen. Snell for Public Health.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Authority of State Fire Marshal. Amend RSA 153 by inserting after section 14 the following subdivision:

Flammable Fabrics

153:14-a Fabric Safety. Following any fire fatality, serious accident or conclusive information on the high rate of flammability involving garments, clothing or fabric materials, the state fire marshal, or his authorized officer, with the approval of the commissioner of safety, is authorized to issue a temporary cease and desist order to the merchant or vendor preventing the further sale or distribution of such material, if said material is deemed by him to represent a dangerous fire hazard due to the rapid rate of flammability. This prohibition in the sale or distribution of such garments, clothing, home furnishings, carpets, mattresses, and fabric materials shall continue until such time as the questioned garment, clothing, home furnishings, carpets,

mattresses or fabric material, in the opinion of the fire marshal has been proven safe for general use by the public.

153:14-b Fire Marshal's Hearing. Within ten days following the issuance of a temporary cease and desist order, the fire marshal shall schedule a formal hearing relative to the merits of said order, and based on his findings a determination shall be made as to whether the order will be dismissed or changed to a permanent cease and desist order, until such time as the material in question has proven safe for general use by the public.

I. Within thirty days after any order or decision of the fire marshal, any party to the action or proceeding before the fire marshal may appeal to the superior court for a "de novo" hearing.

153:14-C Penalty for Violation.

I. Whoever shall violate the provisions of this subdivision shall upon conviction thereof be fined not less than one hundred dollars for each offense and each day in violation constitutes a new offense.

II. If a merchant or vendor can establish on sufficient proof that he received the merchandise or fabric material under manufacturers written or labeled guarantee that reasonable and representative tests were made establishing a low rate of flammability and further processing has not affected the flammability of the fabric material or wearing apparel, and this fabric material or wearing apparel is deemed by the fire marshal to have in fact a high rate of flammability, the manufacturer and not the merchant or vendor, shall be subject to the provisions of this section.

2 Effective Date. This act shall take effect sixty days after its passage.

Sen. KOROMILAS: HB 74 puts teeth in the problem of certain fabrics that are flammable. The amendment covers 3 points. Number 1, it gives the Fire Marshal the right to make an order to cease and desist where it is found that a certain flammable material has caused harm and injury. The other point, we did take out the section that would allow some protection to the retail merchant. It said in the original bill that, if something happened with respect to inventory or, if he had certain inventory on his shelves six months or more, the Fire

Marshal could not issue a cease and desist order. The Committee felt that if a life were taken by a flammable material it would be unfortunate and this Legislature could not go along with such a position as to allow that material to stay on the shelf merely because it happened to be in the inventory of the merchant at the time this bill was passed. And the Committee took that particular section out. Also, with respect to the last section of the bill prior to the Effective Date clause, it set up some kind of a committee where the President of the Senate and the Speaker of the House could actually pick people outside of the Legislature to become members of a committee to check to see what the situation was with respect to flammable materials. The Fire Marshal, at the time of the hearing, said he could get all this information himself by mere telephone calls and that is why the Committee deleted this particular section.

Amendment Adopted. Ordered to Third Reading.

HB 57

relative to voter registration residency requirement. Ought to pass with amendment. Sen. Jacobson for Executive Departments.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

relative to voter registration residency requirement and permitting city clerks to accept voter registrations.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Registration of Voters. Amend RSA 55 by inserting after section 9 the following new sections:

55:9-a Application to City Clerk. Any person who is a legal resident of any city in this state whose name does not appear on the checklist of said city, may apply to the city clerk for the purpose of having his name added thereto. The city clerk shall have the power to examine such persons under the following conditions:

I. No application hereunder shall be accepted after the last meeting of the supervisors of the checklist before an election.

II. Such application shall be made during the regular office hours of the city clerk.

III. Said clerks shall have the power to administer oaths to such applicants who appear before them and to exercise the powers of the supervisors of the checklist granted in RSA 55:10, 11, 12 and 13.

55:9-b Names to be Forwarded. The city clerk shall present to the next meeting of the supervisors of the checklist names of all persons making application to him since the previous meeting of the supervisors of the checklist. Unless the supervisors shall be of the opinion that an applicant is not qualified, they shall cause his name to be added to the checklist.

3 City of Concord. The provisions of RSA 55:9-a and 9-b as inserted by section 2 of this act shall not apply to the city of Concord.

4 Effective Date. This act shall take effect upon its passage.

Sen. JACOBSON: HB 57 establishes clearly in the statutes that an individual who has lived in the State for 6 months is eligible to go on the checklist. Apparently, some cases have arisen where a person has lived in one ward for 3 months, moved over to another ward for 3 months, comes to the supervisor of the checklist and the supervisor says you have not lived in this State long enough. The implication has always been that, regardless of where you lived, as long as you lived within the State for 6 months, you are then a resident. The same thing holds true for exchanges of towns. It does provide that an affidavit from 3 residents of the previous ward or town certify that individual who comes to the supervisor of the checklist in another ward or another town has, in fact, lived there for the period of time that individual says. So, it does make it perfectly clear that the 6 months residency is a statewide residency and, even if you do change your residency within that period, you are still eligible.

The amendment is HB 41 which applies to the allowance of city clerks to take applications for going on the checklist. Those who testified in favor of HB 41 said there were problems, particularly in the cities, to find the supervisor of the checklist. Therefore, they wanted to have a change where there was some individual who was regularly employed to whom they could

come and get on the checklist. Originally, HB 41 included all towns, but we had a great deal of testimony from people who were opposed to this; first of all, because town clerks are not, in many towns, fulltime employees. Secondly, that the supervisors of the checklist generally do a fairly decent job in the town. Fascinatingly enough, the two complaints that came out actually came from city clerks — that is the case that is now going to the superior court saying that all our administration procedures are unconstitutional. I do not understand that kind of complaint since there is already in the statutes a procedure if you do not get on the check list *vis-a-vis* the superior court. The other complaint came with Chief Burning Wood who got on the checklist *vis-a-vis* the city clerk because the city clerk did not know where he lived. All in all, it was the cities that wanted this and, therefore, HB 41, in terms of cities, is added to HB 57.

Sen. PORTER: On the amendment on page 2, the City of Concord is exempted. Could you explain that.

Sen. JACOBSON: Yes. The City of Concord has, by referendum, established another procedure. Arthur Marx pointed out that they have a special procedure and, as long as they want that procedure, then they can continue. If they want to reject that procedure, they can bring in legislation to reject it.

Sen. NIXON: In your Committee deliberations, did you get into determining the rationale or reasons for the 6 month requirement as to residency, regardless of whether in a ward or in the state?

Sen. JACOBSON: We did not. Whether it is good or bad, is that what you mean?

Sen. NIXON: Yes.

Sen. JACOBSON: We did not.

Sen. NIXON: Was there any discussion as to why it exists in the law, why it is necessary?

Sen. JACOBSON: That gets into philosophical argument and my Committee had so many bills to deal with that we had to leave philosophy aside.

Sen. KOROMILAS: On page 1 of the amendment in 55:9-a, you talk about a "legal resident of any city." Does that apply only to residents in cities, in towns or both?

Sen. JACOBSON: In cities.

Sen. MORRISSETTE: Have you had any request to exempt from this bill the cities that have boards of registers? This will work a tremendous handicap on cities that have a board of register already where the city clerk doesn't have that responsibility.

Sen. JACOBSON: This bill — HB 41 — originally went into the House and I presume the Manchester Delegation had their say. No one from Manchester showed up to complain about it so we made the assumption they were in favor of it.

Sen. NIXON: I wish to speak in support of HB 57 and the amendment. I think in the passage of HB 41, in whatever form, as it relates to residency, New Hampshire and its senators recognize that the 6 month residency requirement in order to be able to vote in this state or any state where it is applied really does not in the present day and age make too much sense. It is thought by those who have much to do with the election process to be a discouragement to people having their right of franchise. Many people have moved to New Hampshire these days and they are quite discouraged to learn that they can't vote until they have been here 6 months. HB 57, in at least establishing that they only have to prove they have been in New Hampshire for 6 months, alleviates the problem of having to prove they had been in New Boston for 6 months in order to vote there. And, to that extent, I think it is a step in the right direction. But I would hope the senators here would give thought to the validity of some day abolishing the 6 month residency requirement for voting altogether so that, if a person could establish that he had moved here with the intention of New Hampshire being his residence, he could vote in the next election which occurred following his move.

Amendment Adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Sen. Jacobson moved the Rules of the Senate be so far suspended as to place on third reading and final passage at this time: HB 57 and HB 74.

Adopted.

Third Reading and Final Passage

HB 57, relative to voter registration residency requirement and permitting city clerks to accept voter registration.

HB 74, relative to flammable fabrics.
Adopted.

FURTHER COMMITTEE REPORTS

HB 40
accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death. Ought to pass with amendment. Sen. Tufts for Ways & Means.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death and providing for special permits for lumber trucks.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Special Permits for Lumber Trucks. Amend RSA 263:64 by inserting after paragraph V the following new paragraph: VI. Provided further that a special annual permit may be issued to a person transporting unprocessed forest products on designated routes in the county of Coos and in those parts of Grafton and Carroll counties located to the north of a line delineated by the southerly side of routes 25, 25C, 118, 112, 113 and 302 for a fee of one hundred dollars for each unit. This special permit shall be issued only for a combination of vehicle and semitrailer equipped with five axles with a distance between extreme axles of 39 to 40 feet. The maximum gross load under this special permit shall be 90,000 pounds. The provisions of this section shall not apply to operation on the interstate and defense highway system.

3 Effective Date. This act shall take effect at the exact time of passage.

Sen. TUFTS: This is the bill I mentioned briefly last night because of the question raised involving additional revenue of $250,000. This revenue is supposed to appear because of this

acceleration plan. This bill intends that the payment of these legacy taxes shall be accelerated because they are now due in 15 months and this will make them due in 9 months.

The amendment is involved with special permits for lumber trucks. A member of the Ways & Means Committee presented information to the Committee which indicated that the permits for the hauling of lumber, which have a limit of 100,000 pounds, cost $50 a permit and that this was not feasible. People were not applying for permits because they could not make a profit of $50 on a load so that they were not taking a special permit at $50 each. The proposal is that a special permit for one year shall be issued for these vehicles with a lesser weight — lowering the weight to 90,000 pounds — and changing the fee from a special permit of $50 each to a yearly permit of $100. There are a number of trucks and revenue should be coming in. Evidence was offered to the Committee that the Commissioner of Public Works & Highways had agreed to this lesser amount and retaining these trucks only on the northerly side of these routes solely in the lumber country would not cause any change or any hardship. The Committee adopted this amendment and offers you this bill in regard to legacy taxes with the amendment permitting this yearly permit.

Sen. KOROMILAS: I am talking strictly about the accelerating payment, or the true original HB 40. Why is this being accelerated?

Sen. TUFTS: To bring to the State additional revenue in the next few months.

Sen. KOROMILAS: How does this affect a person who has to pay legacy taxes? Does it mean he has to pay them in 9 months rather than 15 months?

Sen. TUFTS: Yes.

Sen. KOROMILAS: Aside from the need for money, is there any good reason in accelerating these payments from 15 months to 9 months?

Sen. TUFTS: Evidence was offered to the Committee that this would make it in line with federal regulations.

Sen. KOROMILAS: Are you aware that the federal estate taxes aren't due until 15 months from the date of the administration of the estate?

Sen. TUFTS: The Committee Chairman was informed that the federal was 9 and that this would bring our state laws in line with the federal. I may have been incorrectly informed.

Sen. KOROMILAS: What is this going to bring?

Sen. TUFTS: The Committee was informed it would bring in $350,000 and I sat there in the Senate last night and heard it would bring in $250,000. So, I was a little confused by that.

Sen. DOWNING: I understand the amendment on the lumber trucks, but what is the purpose of it? Why is it needed?

Sen. TUFTS: I tried to elucidate that by saying that the lumber trucks, in the last session of the Legislature, were issued the right to have a single hauling permit at $50 a permit. This seemed exorbitant and the lumber truck can't make a profit and pay a $50 permit fee, so they are not able to haul or they haul illegally — that wasn't brought out. But, it isn't working. So, as an example of making a law in one session and finding it necessary to correct it the next time, Sen. Lamontagne is offering a solution to correct it. He has checked with the Highway people and the other people involved and he has determined the solution would be to issue a yearly permit for $100 which will allow these trucks to haul a lesser weight in this northern area. He feels that they will then be able to haul the lumber; they will do no damage to the roads; they will pay $100 for a yearly permit rather than $50 each.

Sen. DOWNING: This amendment in no way alters the authority issuing the permit?

Sen. TUFTS: That is correct. It does not.

Sen. NIXON: Does the amendment change in any way what is legally allowed on the highways in terms of axle size, number of axles, or maximum weight in regard to trucks?

Sen. TUFTS: Yes. As I stated, it does change the maximum weight. It decreases the maximum weight 10,000 pounds. It lowers it from 100,000 pounds to 90,000 pounds. It does not change the qualifications in regard to axles.

Sen. NIXON: Is there any reason why anyone who is interested in maintaining highways in as good condition as they are now or highway safety would object to this?

Sen. TUFTS: The Committee did not feel the *decrease* would cause as much damage as an increase.

Amendment Adopted.

LAID ON THE TABLE

Sen. Jacobson moved HB 40 be laid on the table.

Adopted.

FURTHER COMMITTEE REPORTS

HB 24

establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles. Ought to pass with Amendment. Sen. R. Smith for Finance.

AMENDMENT

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Appropriation for publications, trails and facilities in support of snowmobiling.

	1972	1973
Department of Resources and Economic Development:		
Parks:		
Service Parks:		
Other expenditures:		
Publications, trails and facilities in support of snowmobiling	—	26,000
Less estimated revenue	—	26,000*
		—0—

*Revenues in excess of the estimate may be expended with prior approval of the Governor and Council.

5 Effective Date. Sections one and two of this act shall take effect upon its passage; and section three shall take effect on July 1, 1972.

Sen. R. SMITH: The amendment makes no change in the bill. We were informed, I believe by the Comptroller's office, that unless we make this one line authorization to spend that the

money built up in the fund in DRED would not be able to be spent for the purposes called for in the bill. What we are doing is adding one line to permit the expenditure of the funds brought in by the bill.

Amendment Adopted. Ordered to Third Reading.

HB 67

exempting certain lands from subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter and making an appropriation therefor. Ought to pass. Sen. R. Smith for Finance.

Sen. R. SMITH: This bill contains no amendments. We are recommending its passage just as it came to us. It is an attempt to clear the log jam over in the Water Supply and Pollution Control Commission due to the so-called shore-lines bill that we imposed upon them a session ago. What it does is give them the necessary positions to process the applications within a reasonable amount of time and it does so by increasing the real estate transfer tax.

Adopted. Ordered to Third Reading.

Sen. Nixon recorded as voting in opposition.

HB 44

providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973. Ought to pass. Sen. Tufts for Ways & Means.

Sen. TUFTS: The Ways & Means Committee held a very interesting hearing and the gist of the citizens present was that 99% were in favor of this concept. There were perhaps 2 people who appeared against the idea of open space. The majority of the controversy arises on whether the tax should be collected wholly or whether it should be collected plus interest. I will read the bill and you will have an opportunity to hear an amendment which incudes interest.

One other question before I read the assessment was the town of Auburn and I would like to have it on the record that Auburn has a large amount of open space owned by commercial establishment of a water works so that the Committee considered the question of Auburn and, reading from the law that valuations are based upon current use, we felt that the situation of Auburn would remain the same.

The assessment is the question of disagreement that arose in the Committee. The Committee voted, with the exception of one member, that this version as it reached us from the House would be the version we would recommend to the Senate. I will now read you this assessment which is the point upon which the Committee disagreed 6 to 1. It is No. 5. "Assessment When Sold. Notwithstanding any provision of this act, any parcel of land sold prior to June 30, 1973 will be taxed at the value as though it was appraised pursuant to RSA 75:1 and any such parcel of land shall be holden for the payment of any taxes deferred in accordance herewith."

The Committee apparently felt that this recapture of the total tax was sufficient. There was some question at the hearing about whether this extended beyond next year and the Committee developed that this bill terminated next year on July 1 and that the Legislature of the State of New Hampshire would be meeting in the preceding 6 months and it seemed that the Legislature would take up the matter of this one and a half year bill.

Sen. KOROMILAS: This is the open space bill. Is that correct?

Sen. TUFTS: That is the general term.

Sen. KOROMILAS: What is the benefit to the other taxpayer with regard to those who come under the open space type of property?

Sen. TUFTS: I imagine that anyone could go on for hours to discuss the benefits derived by both parties. The benefits that are derived by the general citizen would be whatever benefits anyone can see that open space provides. I hate to go into the hours of testimony that were offered as to the benefits to both sides, but I wish to be fair.

Sen. KOROMILAS: If a person has the benefit of open space law is there anything in the bill that prohibits the landowner from posting this land for people who may hunt, people who may use snowmobiles, people who may want to camp, people who may want to use it as some kind of recreation portion if they are near this landowner's property?

Sen. TUFTS: You did not say the person who owned the land as opposed to the person who used it, but I read into it

you mean the person who owns it is the one deriving the benefit. The Committee felt the benefits were derived equally. The person who owns the land, of course, may post it and may prohibit his neighbors from using it, but you run into the usual reluctance of an owner to stay on good terms. He doesn't wish to prevent his neighbors from using his land if it doesn't offer any detriment to his land and so he is reluctant to go to the hardware store to buy signs to post according to the distance that has to be between them and to have the owner's name on it. New Hampshire people are inclined to try to get along with each other and not to close the doors and not to exist as they do in cities where somebody who lives next to somebody else never knows their name or never has any communication.

(Sen. Porter in Chair)

Sen. KOROMILAS: If a person is getting the benefit — the landowner — with respect to the use of that land by others, the landowner can limit the use even though it is open space?

Sen. TUFTS: I don't know that that is in this law. It was written in the law which the House killed last time. I suppose this Committee which is studying it would again consider whether they put in that provision or not.

Sen. JACOBSON: The bill as it is now written has a complete recapture clause?

Sen. TUFTS: Yes.

Sen. JACOBSON: Suppose the land is sold between now and July 1, 1973. That recapture clause still inheres in the land?

Sen. TUFTS: Yes.

Sen. JACOBSON: What is the retroactivity of the recapture clause?

Sen. TUFTS: Solely this part from now until July 1, 1973.

Sen. JACOBSON: In other words, as of July 1, 1973 all land placed in open space will then be recapturable?

Sen. TUFTS: Yes.

Sen. JACOBSON: If, in the meantime, this open space land is suddenly developed, would it then be immediately reassessed?

Sen. TUFTS: On the basis of my understanding of the assessment clause, which I read, and at the risk of repeating myself, it says that the land shall be taxed at the value as though it was appraised pursuant to RSA 75:1. My answer would be yes.

Sen. NIXON: I rise regretfully, and possibly in doubt, but in opposition to HB 44. I have followed the open space amendment and the legislation and hard work that has been done in respect to it since it was first offered by Senators Townsend and Spanos and approved by our people as authorizing or endorsing an attempt by the Legislature to find some way within our existing tax framework to preserve the beauty that New Hampshire has to offer in terms of its forests and undeveloped land and to protect them without penalizing the remainder of the taxpayers against the neon sign invasion that has struck every other state in this country. If I thought HB 44 would accomplish this purpose — would allow beautiful open spaces — by being taxed at what they are now used for rather than the highest and best potential use as the law now requires, without the remainder of the taxpayers paying a disproportionately higher burden of the total tax cost in the meantime regardless of any so-called roll back provisions, and, if I thought that even if the other taxpayers paid a little higher in the meantime it would still preserve the beauty and the open spaces, I would be for the bill. But when I have such objective studiers of the concept as in this case the New Hampshire Municipal Association which cannot be said to have an ax to grind either for towns or against cities or for cities and against towns, and people who have studied the tax situation in the state pretty thoroughly and are interested in conservation of the beauty and scenic attributes of our state and have raised several doubts about the bill, I am constrained, almost against my wishes because I love open space as much as anybody, I think, to vote against the bill.

(Senate President in Chair)

Sen. KOROMILAS: You stated that if you believed this bill would solve the problem of open space you would not be in opposition.

Sen. NIXON: I think that is a generalized but fair statement of what I intended to say.

Sen. KOROMILAS: What specifically in the bill do you most object to?

Sen. NIXON: I don't know as it is a matter of my objecting to any specific provision. It is my disbelief that the bill will accomplish what is intended by the bill in terms of both making the tax load lighter on those who own these open spaces so that they are not forced to sell immediately in order to avoid being in arrears as to the taxes in the first place, and, frankly, because of what I have read and learned I do not think the rest of the taxpayers, as a practical proposition mechanically speaking if you will apart from theory, can be realistically and fairly treated at the same time.

Sen. LEONARD: I rise in support of HB 44 and the amendment. I know of many instances where taxes increase so much on small farms and homes in the country that the owners thereof are unable to meet the tax burden. I think if we do not give relief to these taxpayers, it will cause sales of the land. Then the buyers will have to develop the land immediately to pay the taxes, which would cause a lot of apartments, homes, neon signs, motels, etc. I think in the end it will cause a hardship on the cities and towns to take care of the influx of people that will fill these new buildings.

Sen. SPANOS: I rise in opposition to the bill. Coming from that is almost sacrilegious because Sen. Townsend and I co-sponsored Constitutional Amendment No. 7 on Open Space. The reason for my objection is that we do have a study commission which is evolving a procedure with some rationale behind it to produce a product which may resolve in the favor of open space a more beneficial effect, and without jeopardizing or in any way hurting the existing taxpayers who are not in that category of open space owners. It just bothers me a little bit to think that all of these years we have been proceeding without this type of legislation and now with only about 9 months before the study commission will report its findings we are all of a sudden so much afraid that things are going to change to the detriment of our open space situation in the State of New Hampshire, I am a little concerned that we may be involving ourselves with legislation that may hurt the whole picture more than help it. I am willing to forego this temporary respite that this legislation is attempting to plug up the hope that the legislation we do eventually enact will be legislation that is comprehensive enough to take care of the whole subject matter. As I say, I reluctantly oppose this measure but feel we

should take more time in evolving the ultimate decision on this measure.

Sen. PORTER: Did not the open space committee in years past introduce a proposed measure which received a death last session?

Sen. SPANOS: My understanding is that it did and I understand one of the reasons it failed was that the Legislature was unable to comprehend the full import of the legislation. I understand also that study commission itself was unable to resolve or come up with legislation which satisfied the whole committee. They were all going different ways.

Sen. PORTER: It is my understanding that this HB 44 emerged from the present open space members, not as a formal presentation but as an interim, stop-gap measure to be tried at least as a beginning in this whole situation. Is that your understanding?

Sen. SPANOS: I don't know that to be a fact. But, if you say so, I will take your word for it. I can understand the Commission's concern and that it would try to do something on a stop-gap measure. And that is exactly what bothers me about the thing — it is stop-gap and I don't think comprehensive enough to take into concern the whole panorama of open space control.

Sen. PORTER: Don't you feel we would be proper in trying to initiate action at this time?

Sen. SPANOS: That is the issue and that is why I am rising in opposition to the measure. I don't think this legislation is the answer to the problem and I think it may raise greater difficulties than we expect. I am not telling you that I know all of the ramifications or all the problems that may arise.

Sen. LEONARD: Have you noticed in the last few years that a lot of the cities and towns are going in for 100% evaluation and open space that used to be taxed at a very low rate is creeping up and we have some real problem areas?

Sen. SPANOS: Yes. I understand many of the communities are going on 100% valuation. My town did.

Sen. TUFTS: Sen. Porter, was the general gist of the information offered at the hearing that at the present time, so far

as could be determined by the citizens there that their towns were assessing property as of its current use and that they felt that the crunch was ahead of us, that assessors of the town would be assessing all of this land at house lot prices so that the picture at the present time was not bad but that they felt it would deteriorate in their opinion and that this was a hold-the-line situation and that it would not at the same time affect the tax rate to any great extent because of the current assessment?

Sen. PORTER: I think that very well summarizes the situation. The general gist was that the assessors are, in fact, trying to assess at current use to hold the tiger by the tail. They recognize that some preferential treatment is probably necessary in attempting to keep the tax situation and land under control.

Sen. JACOBSON: Is HB 44 as we have it before us the same as it was introduced?

Sen. TUFTS: Introduced in the Senate?

Sen. JACOBSON: Introduced in the House.

Sen. TUFTS: No, the House amended it. We are accepting the House version as it reached the Senate.

Sen. JACOBSON: I have some great fears about HB 44 as it is before us now and that is that there is no recapture clause with respect to land that is set at current use. Surely this will shift the burden to other persons in the community without the possibility of it coming back. The only recapture thing in there is if it should be sold prior to June 30, 1973. If it is not sold prior to that, there is nothing in this which will recapture that year's tax abatement. The argument is that the Legislature will come back and do this. But nobody knows what the Legislature will do. We can't make decisions for the Legislature of 1973. In order for me to support this, I think there has to be an amendment to the bill which will allow a recapture clause if nothing further happens, *vis-a-vis* the Legislature. If the Legislature does absolutely nothing in 1973, that is money that has gone down the drain and people have simply gotten a free ride for one year. That, I am definitely opposed to.

There is a further problem and that is with regard to this special commission that is being established to do this appraising situation. First of all, the bill says it shall be done by April 1, 1972, which is going to be a honey of a job to do. Second, we

already have approved, and I think the House has already approved, SB 16 which creates a wholly different structure in terms of a Board of Taxation which would make this very complicated to function. I am generally in favor of this in regard to farm land and forest land but I don't think we should act at this moment in history and that we ought to sit down and do some reworking on it and come up with an amendment that will protect every citizen in the towns and cities.

Sen. TOWNSEND: I rise in support of HB 44 as it was amended in the House and as we have it before us at the present time. There have been a number of things that have not been said in regard to the bill and I would like at this time perhaps to enlighten the Senate, if possible. You may recall that in the last days of the last session, we passed a bill that was erroneously called open space but, in my opinion and the opinion of many others, was anything but. That law is presently on the books and it merely says that land may be appraised at its current use. This is an open ended law at best. The bill that we are considering at the present time was introduced by Rep. Johnson and, originally, all it did was change the word from "may" to "shall." It still provided for an assessment on land alone. It did not specify any particular type of land. This, again, was too open ended for many who have studied this for years now. The Tax Commission representative, in particular, objected to this provision and suggested that it be tied down more specifically to certain types of land. He was aware of the fact, as were the rest of us, that farm and forest land constitute the biggest crunch insofar as the rapidly rising land values are concerned. The bill did not provide for any roll back in taxes in case the land was sold. It did not, originally, contain any expiration date. It was the feeling of the Tax Commission representative, as well as the members of the Space Study Commission, that there should be an expiration date for the simple reason it was acknowledged by all concerned that this was merely a stop-gap endeavor to give a breather to the tremendous crunch — and I cannot over emphasize the crunch that is on farm and forest land at present. It is always easiest to give an example when it touches you personally and so I will attempt to do that.

My city at the present time is being reappraised by the State Tax Commission. We will be in at 100% for this current tax year. I talked with the assessor within the past 10 days and I

might add also that he is very concerned that we should pass some provision to take off the crunch from farm and forest land now — not a year from now or two years from now. He also told me of an instance in my town of a farm owner who purchased a farm approximately 15 years ago. He is in debt. He has raised a family and educated that family. He loves the land and he loves farming. But he said that man will have a tax bill of $3,000 this Fall. Now, I submit to the members of the Senate that any delay you may put in here now is not going to salvage that man. I have a way of putting it — a reprieve granted to a condemned man does him no good after he has been executed. And this is what has happened. I hope that the Senate can go along with this bill as we have it before us now, understanding full well that it will expire June 30, 1973, provided there is nothing done in the next regular session of the Legislature.

One other point I would like to make. One particular opponent to the bill as we have it now stated to me that he felt we needed to put a time bomb under the landlord and the farmer so that we would get something. I submit to the members of the Senate that the time bomb needs to be placed somewhere else. We have been sitting on a time bomb for some period now. The time bomb needs to be put under the assessors, the selectmen and the common. ordinary taxpayer citizen so that they will adopt a logical approach to the land use taxation problem. In the meantime, I plead with you that this is essential to the preservation of farm operations in this state at this moment.

Sen. JACOBSON: In your understanding of the bill if you have a piece of farm land and that land goes under the current use statute of this bill, this expires then on June 30, 1973?

Sen. TOWNSEND: Provided there is no change.

Sen. JACOBSON: Then on July 1, 1973, this land is sold to a developer for development purposes; there is no recapture of that?

Sen. TOWNSEND: It immediately becomes taxed at its highest market value as long as it does not qualify under bona fide farm operation or bona fide silviculture operation.

Sen. JACOBSON: Let us suppose there is land owned now by a group of speculators — land which is lying idle as forest land. They will now be eligible for this current use program. Is that correct?

Sen. TOWNSEND: Not necessarily.

Sen. JACOBSON: How do you differentiate?

Sen. TOWNSEND: The bill specifies that the definition of silviculture shall be developed by the State Forester and this does not mean that just because you own a tree, you are a professional forester. You will have to be performing some operation there to indicate that you are a progressive operator of forest land. There is a difference between a forester and somebody who just owns a piece of land with some trees growing on it. This is the reason for the bill calling for criteria developed by the State Forester to classify what is and what is not forest land.

Sen. JACOBSON: Are you saying that only those lands which are presently actively used as farm lands or presently actively used as forest product lands will be eligible for this?

Sen. TOWNSEND: That is the intent of the bill.

Sen. JACOBSON: Could there ever be any question about that?

Sen. TOWNSEND: You can question anything.

Sen. KOROMILAS: I have been zeroing in on these two areas you just mentioned — farm land and forest land. As I understand your answers to Sen. Jacobson's inquiry, you said that the Commissioner of Agriculture would determine what was farm land and the State Forester would determine what was forest land. Is that correct?

Sen. TOWNSEND: That is the way the bill reads.

Sen. KOROMILAS: Does the bill really say "provided it is adopted" by this board that is being established?

Sen. TOWNSEND: That is correct.

Sen. TUFTS: From your experience as a legislator and in knowledge of years ago when this open space ballot question was put before the voters, and the support which was offered at the hearing of such diverse groups as snowmobilers, and the PTA, do you seriously feel that the Legislature will not consider this matter at the next session?

Sen. TOWNSEND: I would seriously believe they would consider it.

Sen. KOROMILAS: I rise in opposition to HB 44. I do this with some trepidation. However, in reading the bill as it now reads, it allows for a board that is made up of 9 members really to decide what forest land is, what farm land is and, even though the State Forester and the Commissioner of Agriculture do set up the standards, we have a group here of 9 people who represent various interests obviously. We have people here who are selectmen in towns of less than 5,000, selectmen over 5,000, the Commisioner of Agriculture, we have the dean of a college — so obviously when the standards are going to be put forth to this board, there is going to be some kind of compromise. I feel this is too much of a delegation of power by this Legislature at the present time to give this body of 9 people the right to establish the ground rules. And, mind you, at least the first two sections of the bill go into effect on its passage and now you are going to have a running, scurrying situation where we have 9 members who have to be appointed — various people appointed — they have to be appointed and sit down and I dare say, if this bill passes, the ground rules and what is current use as defined here as the board will also determine what current use may be, the Legislature will be here for the next session and probably adjourned.

Sen. TOWNSEND: Are you aware of the fact that the provisions for the board which are in this bill were lifted from SB 136 which was defeated in the House last June and for which you voted. It was a unanimous vote when it passed the Senate and the provisions for the establishment of the board as you see it in this bill are exactly as they were in SB 136 which passed the Senate last June.

Sen. KOROMILAS: It may well have been, but I think when you talk in terms of one provision, you must always take into account how it relates to another and I am sure this bill is not the same as the one that was passed in the Senate last session.

Sen. TOWNSEND: In that you have stated your objections to this type of board, I would ask you if it was not better judgment to use this board than to have used one composed, as was proposed by some, strictly of agriculturalists?

Sen. KOROMILAS: I would say that I am not familiar with the various proposals as to what kind of a board should be established. However, I feel when I read this particular bill with

all of its other provisions as have been mentioned by the other speakers who are opposed to the bill, I feel extremely apprehensive with respect to this type of bill.

Sen. TOWNSEND: Apparently I did not phrase the question intelligently and I apologize. I would like to know if you felt that a board created to determine these criteria would have been fairer to the taxpayers as a whole had it been composed of farmers and foresters without this taxpayer representation that is represented in this bill?

Sen. KOROMILAS: That is a difficult question. It would seem to me there is nothing in the bill that would prevent a selectman from also being a farmer or also having forest land. I don't think there is any provision in this advisory board that says that person who is chosen must not be a farmer nor a forester. So, I really don't think this particular vehicle that is established does really solve the problem you are trying to raise.

Sen. TUFTS: Do you find that in your senatorial district and in other southeastern sections of New Hampshire, perhaps in my area also, open land is being taxed at house lot values and that some of the farms and open land are disappearing?

Sen. KOROMILAS: To be specific in my answer, I have not really tried to look for areas that have been converted from farm land to developments. But I suppose there are some. But this bill would not prevent that type of thing from happening.

Sen. ENGLISH: The people I represent seem to feel we need to do something now. Do you feel there is no urgency now for us to close the barn door?

Sen. KOROMILAS: I would say that any kind of a bill of this nature that affects almost every taxpayer in the State of New Hampshire, this is not the proper time for trying to change the basic law of taxation as pertains to open land. I do not think we should do this now. I think we should wait and have these interim committees that have been studying this continue to study it because, if they had agreed and came to some conclusion, we would have had a bill here today that would have been acceptable to almost everyone. So, therefore, my answer is, yes, I believe we should wait until the next session.

Sen. ENGLISH: You do not feel there is any urgency to do anything at the present time?

Sen. KOROMILAS: No, I do not.

Sen. PORTER: Don't you feel there is actually a very strong pressure of local assessors to provide some sort of an informal preferential tax treatment now due to the pressure of needs of local communities? Would not the adoption of a bill such as HB 44 bring this *de facto* preferential treatment out into the open, which also certainly with your previous statement affects every taxpayer in the State.

Sen. KOROMILAS: I don't know that any preferential treatment is being given in the various cities or towns to my knowledge. No one has told me this is going on. If it is, I would hate to pass a bill or have a law that would legalize what is already illegal.

Sen. PORTER: You own property, I am sure and it is assessed at a certain value?

Sen. KOROMILAS: Yes.

Sen. PORTER: Would you sell it for the assessed value?

Sen. KOROMILAS: That question, I will not answer.

Sen. POULSEN: Would you agree that between one-half a cord and one-quarter cord per acre, per year, would be a normal growth on forest land?

Sen. KOROMILAS: I will believe it if you say it is so.

Sen. POULSEN: Would you believe that is in value somewhere between 50c and maybe $1?

Sen. KOROMILAS: I will believe it if you say it.

Sen. POULSEN: Would you believe that to tax that at a value of $20.00 per acre in even a low priced tax town, you would be taxing that land at somewhere between 60c and 75c per acre per year — my point being if you go much beyond that you are taxing out the growth so that no one could possibly afford to own timberland. It would be taxed out of existence. The minute you own it, you have to get rid of it. It would destroy the whole concept of forestry which is to cut, let the land grow and cut it again. Unprotected taxation would destroy that whole function.

Sen. KOROMILAS: I understood the Senator from the

5th District to say that forest land as such would not come under the four squares of this bill. There would have to be a standards set up by the board and the State Forester. That is what I understood him to say.

Sen. SNELL: I rise in support of HB 44. We had the opportunity last week to listen to debate for more than 2½ hours. I know very few senators who were interested enough to participate in this discussion — only a few from the Senate Ways & Means Committee. Testimony was at great length. We had individuals representing the Vegetable Growers Association, Society for the Protection of the New Hampshire Forests, Dairy Association, etc. Testimony was both for and against the bill. But, if you will look at HB 44, you will see under the appraisal of forest and farm land — and this is why I am strongly in favor of this bill — "Farm land means any land devoted to agricultural or horticultural use, as determined and classified by the commissioner of agriculture and adopted by the board." This also applies to forest land "devoted to the silviculture as determined and classified" etc. In other words you would have to be in a farm operation or you would have to be working to improve your forestry products on your land. I am going to cite two examples of two farmers who testified from the community of Milford. One indicated that he will be paying this year a tax bill of $3,700, milking 80 head of cattle. This man will not survive if this piece of legislation does not get our attention today. The other gentleman was a little more fortunate because he had a larger herd of cattle to support his family. But his taxes were estimated in the vicinity of $4,800 per year on land that could be sold tomorrow if this man has to go out of business — sold to a developer. He wants to stay on his farm land. He wants to continue his operation, but he feels it is time that we pass a bill such as this to not only give tax relief to him, but hopefully to preserve open spaces around that community and not allow a large home developer to come into that community — and I hate to use this as an example because I questioned it during our Committee hearing — but for every home built in New Hampshire, it is estimated that 2½ children will occupy that dwelling and the cost of education per youngster is in the vicinity of around $800 to $1100 per pupil depending on the community in which you happen to live. So, if you weigh these points, you can actually prove the dollar and cents figure that it is most important to keep open spaces and

preserve some of these farms, preserve some of our horticultural land.

I hope you will support HB 44.

Sen. KOROMILAS: Because two farmers feel we should have a bill like this, you feel that the case has been established that we have this type of bill?

Sen. SNELL: No. It would be the unanimous decision of each and every farmer in the state of New Hampshire that they need this type of action. There were more farmers who were there to testify. The New Hampshire Dairy Association is in favor of this.

Sen. KOROMILAS: Is your answer that all farmers, all dairymen and all people who have forests are in favor of this bill?

Sen. SNELL: Not every person.

Sen. TUFTS: Who do you feel is the winner if some measure is passed today to hold the line?

Sen. SNELL: Each and every taxpayer in the State of New Hampshire.

Sen. ENGLISH: I think it is the taxpayer of New Hampshire, each and every one of them, who is concerned with this bill and is very important. New Hampshire has a certain character — I am now not speaking about farmers or woodland owners — I am talking about all of us who live here. We are in a sense, if I may use a French phrase here, a *vois de boulonge* of the Eastern seaboard. But it is a park and it is beauty adjunct to this section of the United States and we all benefit from it. People come up here in all seasons of the year and they are impressed by the beauty of the landscape and this land which is not destroyed. Failure to pass this bill would be, in my opinion, a step toward the extension of the asphalt jungle. And, while this bill — and I am not one of those who have studied it in the greatest detail — may not be the perfect solution to this problem, it is, in my opinion, a very important step to be taken at this time and, if there are adjustments to be made, they can be made at the next session. But to have this go by and fail at this time would be a step toward tragedy.

ROLL CALL

Requested by Sen. Porter. Seconded by Sen. Lamontagne.

Yeas: Sens. Lamontagne, Poulsen, Snell, Townsend, English, Porter, Leonard, Ferdinando, R. Smith, Brown, Downing and Tufts.

Nays: Sens. S. Smith, Jacobson, Spanos, Nixon, Morrissette, McCarthy, Provost, Marcotte and Koromilas.

Results: Twelve Senators having voted in the affirmative and Nine having voted in the negative, the report was adopted.

Ordered to Third Reading.

(Sen. Porter in Chair)

ENROLLED BILLS REPORT

SB 3, establishing an interim legislative committee to investigate and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution.

SB 12, permitting the industrial development authority to exceed its bonding limit if found necessary by the governor and council to protect the interest of the state in any project.

HB 4, relative to public outdoor etertainment.

HB 37, providing workmen's compensation coverage for all volunteer or auxiliary members of fire or police departments, whether paid or not paid.

HB 50, providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed.

HB 55, exempting the real and personal property of the Nashua Historical Society from taxation and repealing the limitation on the amount of property said society may hold.

HB 56, relative to the procedure to be followed by medical referees.

HB 66, providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor.

HB 68, relative to permitted earnings for retired teachers and state employees and qualifying the commissioner of safety as a policeman member of the New Hampshire retirement system, and providing relief to any employee or teacher from the effect of the wage freeze.

Sen. Ferdinando
For The Committee

Adopted.

ENROLLED BILLS AMENDMENT

HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases.

AMENDMENT

Amend section 2 of the bill by striking out the first four lines and inserting in place thereof the following:

2 Referendum. The provisions of this act shall not take effect unless it is adopted by a majority vote at a special election held in the city of Manchester on November 7, 1972 as hereinafter provided. The city clerk then in office shall print a special ballot to be used at said special election containing the following question.

Sen. Provost moved adoption of the Amendment.
Amendment Adopted.

HB 46, establishing a line item budget for the city of Manchester and providing a four year term for the finance officer for the city of Manchester.

AMENDMENT

Amend section 3 of the bill by striking out the first two lines and inserting in place thereof the following:

3 Funds. Amend 1915, 302 by inserting after section 4 the following new section: Sect. 4-a. Department heads with the approval of the finance committee of the mayor and aldermen may make transfers from one item

Amend section 7 of the bill by striking out the first five lines and inserting in place thereof the following:

7 Referendum. The provisions of this act shall not take

effect unless it is adopted by a majority vote at a special election held in the city of Manchester on November 7, 1972 as hereinafter provided. The city clerk then in office shall print a special ballot to be used at said special election containing the following question. "Shall the provisions of an act entitled

Sen. Provost moved adoption of the Amendment.

Sen. PROVOST: The amendment is in section 3. As it appears, it does not tie these provisions into the Manchester Charter. The amendment ties it into the Charter. Section 7 provides for the question to be printed on the ballot used at the biennial election in 1972. The amendment changes it to provide for a special election in Manchester and the printing of a separate ballot which is necessary because Manchester would not have an election in November of 1972 unless provided for herein.

Amendment Adopted.

SUSPENSION OF THE RULES

Sen. Tufts moved the Rules of the Senate be so far suspended as to place on third reading and final passage at this time: HB 24, HB 44 and HB 67.

Adopted.

Third Reading and Final Passage

HB 24, establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles.

HB 44, providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973.

HB 67, exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter and making an appropriation therefor.

Adopted.

RECONSIDERATION

Sen. Townsend moved reconsideration of HB 44.

Motion Lost.

TAKEN FROM THE TABLE

Sen. Jacobson moved HB 40 be taken from the table. Adopted.

Second Reading

HB 40, accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death and providing for special permits for lumber trucks.

Sen. Jacobson moved Adoption of the following amendment.

AMENDMENT

Amend the bill by striking out section 3 and inserting in place thereof the following:

3. Exemption From Inheritance Tax. Amend RSA 86:6, II as inserted by 1970, 5:4 by inserting after paragraph (e) the following new paragraph: (f) a person who for ten consecutive years prior to his fifteenth birthday was a member of the household of the decedent.

4. Effective Date. This act shall take effect at the exact time of passage.

Sen. JACOBSON: It has come to my attention that there are those individuals in our community who have foster children in their care and custody over a very long period of time and also those individuals who have the care and custody of relative children for a long period of time due to accident or death of the original parents. These individuals do desire on occasion to leave some money for them in their estates. Under the present statute, that money left to them would be taxed at 15%.

What this amendment does is provide that where there is a long term residency in the household of that family, such as a foster child or as an orphan child, that individual would be exempt from the 15% tax. That is what the amendment does.

Sen. NIXON: Does the amendment encompass stepchildren?

Sen. JACOBSON: Yes, if they had lived 10 years in the household prior to the age of 15.

Amendment Adopted. Ordered to Third Reading.

TAKEN FROM THE TABLE

Sen. Lamontagne moved HB 20 be taken from the table. Adopted.

Second Reading

HB 20, providing that children of prisoners of war in South East Asia be given free tuition in the state's institutions of higher learning.

Sen. Lamontagne moved adoption of an amendment.

Sen. LAMONTAGNE: This amendment is one for totally and permanently disabled veterans for license plates for one car. The Motor Vehicle Department, in looking over the present statute, found that some veterans who have been receiving a state plate free for one car had to lose their plate. Therefore, this has been brought to my attention and the person I am speaking of is a person who has two braces and had a veteran's plate and now has lost his plate. This is the reason why the proposed amendment has been introduced to the Committee and the Committee voted it ought to pass.

LAID ON THE TABLE

Sen. Downing moved HB 20 be laid on the table. Adopted.

PERSONAL PRIVILEGE

Sen. KOROMILAS: I want the record to show I was indeed absent yesterday afternoon while the debate on the budget was being taken. But I had no possible way of getting here yesterday afternoon because of the snow in Albany where I was. I happened to be in the Capitol in the State of New York. I did go into the Senate Chamber there and sat in District No. 21, but I would rather have been here yesterday. There was no earthly way I could have made it back here for the meeting that we had yesterday. I missed it and I wanted to explain, for the record, that had it been possible to be here yesterday afternoon, I would have been here.

FURTHER COMMITTEE REPORTS

HB 42

to suspend the implementing of certain governmental pro-

grams until such time as state and/or federal funding is available. Ought to pass with amendment. Sen. Jacobson for Executive Departments.

Sen. JACOBSON: HB 42, as it came from the House, had two provisions in it. It suspended the dump regulation and it suspended the approval of schools and school districts until such time as Foundation Aid were fully funded. Both of these were dropped from the bill and the amendment is, in fact, a new bill. I would like to go through each point so that everything is clear to every senator.

Section 1 is a substitute for the original bill in terms of granting some leeway in terms of the high cost of public education. What it says is that a school or school district shall be deemed approved if it reasonably follows the rules and regulations and appropriates a sum of money that is equal to 80% of the state average per pupil cost. It was also brought to our attention that possibly there are some schools that are operating efficiently under 80% and it allows an exception to that. What this does is give a little bit of leeway in terms of the high cost factor in our communities at the present time.

Section 2 is a legalizing for the Town of Salisbury. In the Town of Salisbury, they were one day late with their notice. They adopted some zoning amendments and, as you know some of our friends, the lawyers, when they have a client who is opposed to the zoning amendment, one of the first things they look for is one day or two days late notice. Therefore, this is entered to legalize all the acts.

The Town of Marlow, Section 3 here, had a similar situation.

Section 4 is the Town of South Hampton and again there was some similar technical situation.

Section 5 — In the town of Hooksett, instead of putting in a legal notice, they put in a newspaper notice with regard to certain sections in the warrant and, therefore, that is in to be legalized.

Section 6 relates to the inventory blanks as a matter of getting a complete census of the people who are living in the towns for the purpose of the resident tax. In other words, when the blank for your inventory or property is turned in, you will

also then turn in an inventory of all persons living on your property.

Section 7 is put in because the "Gods of Bond Counsel" have said it must be in there, otherwise they will not approve bonds. What this does is that, in the event an annual town meeting will postpone action on a bond issue, it will then be legal in terms of that postponement. The problem is this. In the Town of Pelham, as a specific example, they are planning to postpone their school district meeting with respect to the bond issue, to some later date. They checked with bond counsel and bond counsel said they would not approve a bond if it is voted because it has to be Article II on an annual or special meeting. The school district of Pelham does not want to call a special meeting because that creates another problem because then they have to have 50% of the checklist in order to vote the appropriation and, in order to get that set aside, they have to go to court. So, it is common practice to simply recess the annual meeting. The reason for this is because bond counsel says, in order for them to approve their bonds, this is the way they want it. And you know you cannot quarrel with the Deity.

The next section — 8 is a bill that has been in the Legislature many times before and there has always been a continuing battle with the Nashua Delegation on majority vote and run-off election required. Apparently now, the Nashua Delegation in the House has agreed to this and, therefore, it is put in so that they could agree to it and have that as part of their procedure. Of course, it requires a referendum.

That brings me down to section 10 which is competitive bidding. Again, this has been in several times. What it does is require competitive bidding in county matters in excess of $300.

The rest of it is simply the effective dates.

Sen. TUFTS: How does Section 10 change the law at present?

Sen. JACOBSON: At the present time, as I understand it, it is discretionary. This does, in fact, establish it as a mandatory procedure.

Sen. TUFTS: So that County Commissioners may no longer vote to waive the matter if they wish to take a different quality if the price is, as we might say, second low. They no longer can waive the provisions?

Sen. JACOBSON: That is right.

Sen. TUFTS: They have to take the low bid no matter what?

Sen. JACOBSON: I would presume so.

Sen. TUFTS: Would you, for my information as a member of the Education Committee, just describe for me the education people who attended the hearing and spoke about the school average cost, etc.

Sen. JACOBSON: The education people came to the hearing and opposed HB 42 in its original form with respect to the suspension of the approval procedure until Foundation Aid is fully funded. The Committee took that into consideration but, on the other hand, it agreed that there is a problem at the present time because of the high cost situation that the demand for approval may not be granted because the school district may refuse to appropriate the money and, therefore, in order to preserve a relationship, the Committee went along with this amendment in place of the original one which was much harsher.

Sen. McCARTHY: As to the Board of Education and its rights of approval — is that synonymous with accreditation and is this really as significant as it appears to be — that the Board of Education would have a lot less leeway in accrediting a School? For instance, if a school district decided it did not want to buy new library books and the State Board of Education said it was necessary for accreditation when the school district generally went along reasonably with the reasonable rules and regulations that the State Board would be able to do nothing about that?

Sen. JACOBSON: That is right. But, if the reasonable rules and regulations included purchase of some library books, then they may not be following reasonably the rules and regulations. In other words, they could not simply buy music material and no library material.

Sen. McCARTHY: So then it is a significant change in the present status as we know it?

Sen. JACOBSON: It is a significant limitation on the present authority of the Board of Education, but it is of less harshness than the original bill passed by the House.

Sen. POULSEN: In here you have a section on the inventory blank, wherein the person filling out the inventory blank certifies as to the number of people to be charged the resident tax.

Sen. JACOBSON: Yes.

Sen. POULSEN: How would it be possible for an absentee landlord who owns 9 large apartment houses to do that?

Sen. JACOBSON: I presume he would take his rental list and list the names.

Sen. POULSEN: That would be just the rent payer. One rent payer could have 9 people in his family, all of whom could pay the resident tax.

Sen. JACOBSON: The whole purpose behind this is to provide a better method of collecting the resident taxes.

Sen. POULSEN: Do you think this is a feasible method?

Sen. JACOBSON: According to the information that was given, it is.

Sen. MORRISSETTE: Did you say this bill would remove the authority of the Board of Education to order you to put in say an elevator in a school where there is absolutely no need for it— they would not have that power any more?

Sen. JACOBSON: That is not an issue with regard to program curriculum. I do not think that would obtain. That would be a safety decision, I think.

Sen. MORRISSETTE: An elevator?

Sen. JACOBSON: I would presume so.

Sen. KOROMILAS: Getting to the first item on the approval of the School Board question — what is the actual verbiage that has been added to this particular area of RSA 186:8?

Sen. JACOBSON: As written.

Sen. KOROMILAS: As I read it, you are inserting a new section in RSA 186. Is that correct?

Sen. JACOBSON: Yes.

Sen. KOROMILAS: The first part of the sentence says,

"any school shall be deemed approved which reasonably follows the rules and regulations of the board of education." Is that a restatement of the present law?

Sen. JACOBSON: No, it is new.

Sen. KOROMILAS: How is it new?

Sen. JACOBSON: As stated.

Sen. KOROMILAS: What is the present law, if any?

Sen. JACOBSON: The present statute in Chapter 186 gives the Board of Education the powers of approval by regulation.

Sen. KOROMILAS: Would you explain the next portion of that particular one-sentence provision.

Sen. JACOBSON: The one about the 80%?

Sen. KOROMILAS: Yes.

Sen. JACOBSON: The original intent of HB 42 was to suspend requirements with regard to pollution abatement, dumps, education and the like. It was called the "Municipal Survival Bill" because the costs were zooming so rapidly in all these areas and the requirements of regulations were increasing. So what that bill did was suspend, for example, requirements of approval for education until such time as Foundation Aid is fully funded, either by federal or state funds.

Sen. KOROMILAS: Where does the 80% figure come from?

Sen. JACOBSON: That came from the mind of the Committee.

Sen. KOROMILAS: What was the rationale of that 80% figure?

Sen. JACOBSON: The rationale was to give that leeway to those schools and school districts that could not meet the state average per pupil cost because of the failure of state funding of Foundation Aid and building aid. What happens is this. The state says we will fund the thing for Foundation Aid 100%. We are going to fund building aid 55% of all costs, but it says the State shall have power to make all regulations and to say whether a school is approved or not approved. Then it fails to

fund, but it insists on the regulation. So we struck the state average because we figured that most schools could come very close to it but, if there were those instances where they could not raise the money, they would not lose their approval.

Sen. KOROMILAS: When you talk about a state average per pupil cost, how do you compute that state average per pupil cost?

Sen. JACOBSON: That is computed by the State Board of Education and is exclusive of transportation costs. They are computed each year.

Sen. KOROMILAS: How does the cost per pupil differ as a high and low range in the State of New Hampshire?

Sen. JACOBSON: I cannot tell you precisely, but it runs between $1300 and $800.

Sen. KOROMILAS: If a school does not meet the 80% requirement, then the Board of Education may approve a school that has cost less than 80%. Is that correct?

Sen. JACOBSON: If it seems that it is conducting a satisfactory job.

LAID ON THE TABLE

Sen. Koromilas moved HB 42 be laid on the table.
Adopted.

TAKEN FROM THE TABLE

Sen. Lamontagne moved HB 20 be taken from the table.
Adopted.

Second Reading

HB 20, providing that children of prisoners of war in South East Asia be given free tuition in the state's institutions of higher learning.

Sen. Lamontagne withdrew his Motion to Adopt an Amendment.
Ordered to Third Reading.

COMMITTEE OF CONFERENCE REPORT

The Committee of Conference on HB 6, increasing the

total aggregate sum allowed on state guarantees of municipal sewage bonds and authorizing the town of Lincoln to issue emergency notes, having considered the same, report the same with the following recommendation:

That the House recede from its position of non-concurrence with the Senate amendment, and concur in the adoption of the Senate amendment, and

That the House and Senate each pass the bill as amended by the Senate.

Stephen W. Smith
Harry Spanos
Conferees on the Part of the Senate

Russell G. Claflin
Arthur M. Drake
Otto H. Oleson
Conferees on the Part of the House

Sen. Townsend moved the Senate adopt the Committee of Conference Report.

Sen. KOROMILAS: Sen. Townsend, I know you are not a member of the Committee of Conference, but as I understand it, the House has concurred with the Senate version of HB 6.

Sen. TOWNSEND: I would interpret the Report to mean that.

Sen. KOROMILAS: You are aware that in the Senate version there is a declaration that the Town of Lincoln has been found to have been having all kinds of difficulties. You are aware of the problem raised here last Friday. You don't know how the Committee came to its conclusion?

Sen. TOWNSEND: I was not privy to their discussion and I could not enlighten you.

Adopted.

PERSONAL PRIVILEGE

Sen. KOROMILAS: For the record, I would like to state I am in favor of the principle of the bill, but oppose the declaration and findings of fact in the bill.

HOUSE CONCURRENCE IN SENATE AMENDMENTS

HB 7, authorizing state agencies to maintain certain records to qualify for federal funding and providing for inclusion of the social security amendments of 1971.

HB 57, relative to voter registration residency requirement and permitting city clerks to accept voter registrations.

HB 71, relative to the acquisition and disposal of industrial facilities.

HB 74, relative to flammable fabrics.

HOUSE DISCHARGE OF COMMITTEE OF CONFERENCE

REQUEST FOR NEW COMMITTEE OF CONFERENCE

HB 41, relative to voter registration by town and city clerks.

The Speaker has appointed as members of said Committee on the part of the House: Reps. Roma Spaulding, Wilson and Edes.

Sen. Jacobson moved the Senate accede to the request of the House.
Adopted.

The Chair appointed as members of said Committee on the part of the Senate: Sens. Ferdinando and Leonard.

SB 24, amending solid waste disposal laws.

The Speaker has appointed as members of said Committee on the part of the House: Reps. Greene, Marjorie Colburn and Ruel.

Sen. Jacobson moved the Senate accede to the request of the House.
Adopted.

The Chair appointed as members of said Committee on the part of the Senate: Sens. Bradshaw and Porter.

ENROLLED BILLS REPORT

HB 74, relative to flammable fabrics.

Sen. Ferdinando
For The Committee

Adopted.

SUSPENSION OF THE RULES

Sen. Jacobson moved the Rules of the Senate be so far suspended as to permit the introduction of a committee report not previously advertised in the *Journal* on: HJR 5.

Adopted.

FURTHER COMMITTEE REPORTS

HJR 5

establishing an interim committee to study a deferred tuition program for the state. Ought to pass with amendment. Sen. Jacobson for Education.

AMENDMENT

Amend the title of the resolution by striking out the same and inserting in place thereof the following:

establishing an interim committee to study alternate system of financing higher education for the state.

Further amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

There is hereby established an interim commission to study the feasibility of establishing alternate system of financing higher education including deferred tuition for the state of New Hampshire. The commission shall consist of six members as follows: the president of the University of New Hampshire, or his designee; one member from private higher education resident in the state appointed by the governor; two members of the house of representatives appointed by the speaker; and two senators appointed by the president of the senate. The members shall serve without compensation, but the one member appointed by the governor shall be entitled to the same mileage and expenses when engaged in the work of the commission as state employees and the four members of the general court shall be entitled to expenses and legislative mileage when engaged in

the work of the commission. Among other matters, the commission shall determine the level and effectiveness of the expenditure of state funds to higher education in the following areas: (1) Program of direct financial aid to institutions of higher education, and (2) programs of financial aid to state residents including but not limited to scholarship grants and loans and loan guarantees. It shall make a report of its findings by December 15, 1972 to the speaker of the house and president of the senate to be referred to the 1973 session of the general court, and its report shall include a draft of any legislation which it proposes.

The higher education study commission established by 1971, 510:1 is hereby relieved of the responsibility of studying and reporting on the matters and subjects which the committee established by this resolution has been directed to study.

Sen. JACOBSON: In the 1971 session of the Legislature, we had two Commissions to Study Higher Education. However, the House thought it would be better to have only one Commission to Study Higher Education and that principle was accepted. In this special session of the Legislature, the House has reversed its position and says that we need two Commissions to Study Higher Education, especially do we need two Commissions to study the question of deferred tuition.

What HJR 5 and the amendment does is very similar to the original bill, except that it makes one or two small changes which I shall mention in a moment. It establishes a Commission to study alternative systems of financing higher education, including deferred tuition. The changes are that originally it had a designee or a member from the State Board of Education. That is taken out and in its place is one member from private higher education resident in the state and appointed by the Governor. There remains in the appointee of the President of the University of New Hampshire and the 2 members of the House. The original bill had one senator, but the amendment puts in two senators. Then there is added a final sentence which says that the present established Commission on Higher Education is relieved of these duties with regard to finding new ways of financing, including deferred tuition, because there would be no purpose in having two commissions doing the same job.

Amendment Adopted. Ordered to Third Reading.

HB 17

establishing the rights of policemen. Ought to pass with amendment. Sen. Jacobson for Executive Departments.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 105-A the following new chapter:

Chapter 105-B

Police Organizations

105-B:1 Findings and Policy. The legislature declares that it is the policy of the state to foster harmonious and cooperative relations between police officers and their employers and to protect the public by promoting the orderly and uninterrupted operations and functions of law enforcement. Police officers have the right to:

I. Meet and confer with city councils, boards of aldermen, commissioners, or other boards elected or appointed to manage the affairs of a local government or police commissions whether appointed by the governor and council or any city with respect to working conditions, salaries, wages, and other benefits; and

II. Negotiate with and enter into written memoranda of agreement with public employers.

105-B:2 Definitions. As used in this chapter:

I. "Local government" means a city or commission which acts as an agency.

II. "Police officer" means any persons holding a police position by appointment of or employment by any local government.

III. "Supervisory employee" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

IV. "Boards" means city councils, boards of aldermen, commissioners and police commissions whether appointed by the governor and council or by any city.

V. "Employee organization" means an organization of any kind having as a primary purpose the improvement of terms and conditions of employment of police officers, which may be local or affiliated with a national organization, and which does not discriminate with regard to terms or conditions of membership because of race, color, creed, sex, or national origin, and does not otherwise violate the laws of this state.

VI. "Budget submission date" means the date by which, under law or practice, a government's proposed budget, or a budget containing proposed expenditures applicable to such government, is submitted to the legislative or other similar body of the government, or to the city council in the case of a city, for action.

VII. "Membership dues deduction" means the practice of government to deduct from the salary of a police officer, with his consent, an amount for the payment of his membership dues to an employee organization. Such term shall mean also the obligation or practice of a government to transmit the sums so deducted to an employee organization.

VIII. "Clerk" means any duly elected or appointed city clerk.

IX. "Unit" means the group of police officers who are in the employ of a common employer, who have a community of interest as a result of their employment, and who seek to be represented by an employee organization, and who are not defined as supervisors under this chapter. The clerk shall have the right to define who shall be included in each such unit and the limits thereof but such authority shall not be exercised in an arbitrary, unreasonable or discriminatory manner. In defining the unit, the clerk shall take into consideration, along with other relevant factors, the principles of efficient administration of government, the existence of a community of interest among employees, the history and extent of employee organization, geographical location, and the recommendations of the parties involved.

X. "Meet and confer in good faith" means the process whereby the chief executive of a board, or such representatives

as it may designate, and the representatives of recognized employee organizations have the mutual obligation personally to meet and confer in order to exchange freely information, opinions, and proposals, to endeavor to reach agreement on matters within the scope of discussions, and to seek by every possible means to implement agreements reached.

XI. "Memorandum of agreement" means a written memorandum of understanding arrived at by the representatives of the board and a recognized employee organization which may be presented to the governing body or its representative and to the membership of such organization for appropriate action.

XII "Strike" means the failure by concerted action with others to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, and without the lawful approval of one's superior, or in any manner interfering with the operation of government or any board, for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment.

105-B:3 Right to organize.

I. Police officers shall have the right, subject to the provisions of this chapter, to join, organize, assist or participate in any employee organization of their choosing, to recognition for the purpose of meeting and conferring a collective basis with government boards and to be represented by such employee organization in such activities concerning working conditions, salaries, wages and other benefits.

II. No municipal officer, agent, or employee shall interfere with, restrain, coerce or attempt to interfere with, restrain, or coerce any police officer with respect to joining or not joining any employee organization, or participating in the formation of such an organization, or discriminate against such employee by reason of such activity. Any employee aggrieved by a violation of this section, shall be entitled to redress, including back pay when appropriate, by filing an action at law or in equity in the superior court for the county where such employee is employed.

105-B:4 Rights accompanying Recognition. Where an em-

ployee organization has been certified as representing a majority of the employees in a unit, or recognized formally, pursuant to the provisions of this chapter, the board or its designated agent (s) shall meet and confer in good faith with such employee organization or its designated agent (s) in the determination and administration of grievances arising under the terms and conditions of employment of police officers as provided in this chapter, and may enter into a memorandum of agreement with the employee organization. The employee organization and the board shall designate a person to meet and confer in its behalf.

105-B:5 Recognition of Agent.

I. An employee organization shall be recognized by the board as the exclusive agent where it can be shown that a majority of the employees in the unit have selected such organization to represent them.

II. Whenever, the clerk conducts an election, he shall notify the board and all employee organizations involved in the election, of the results, certifying the name of the employee organization, if any, which has been selected by a majority of the police officers as their agent.

III. The employee organization certified by the clerk as a result of the election as representing a majority of the police officers in the unit, shall be recognized by the board as the exclusive agent of such police officers in the unit with respect to any matters covered by this chapter. Upon written petition to the clerk to intervene in any election, this petition to be signed by ten percent of the police officers in the unit, indicating their desire to be represented by a different or competing employee organization, the name of the other organization shall be placed on the same ballot. No employee organization shall be certified or recognized unless the votes cast in favor of it represent a majority of the police officers qualified to vote in such election.

IV. After an employee organization has been recognized as the sole agent it shall remain the sole agent from year to year until it withdraws or until a new election is held resulting in its removal or displacement. Such subsequent election may be requested by the board or by thirty percent of the police officers in the unit.

V. In the event that an election is held in which more than

one employee organization is included and no organization receives the majority vote of all who are qualified to vote although such majority did not vote for "no representative" the clerk shall certify that no representative was chosen, but upon receiving a written request from either of the employee organizations within ten days after the election, the clerk shall conduct a run-off election between the two organizations or one organization and "no representative." Only one such run-off election shall be held.

105-B:6 Conduct of Elections.

I. The clerk shall conduct all elections and prescribe rules of procedure for the conduct of such elections.

II. The ballot used in the election shall include a space to indicate a choice of "no representative" except in certain instances of run-off elections between employee organizations.

105-B:7 Meeting, Conferring and Memorandum of Agreement.

I. Any exclusive employee organization recognized by a board pursuant to the provisions hereof shall file a written request for meeting at least ninety days prior to the budget submission date.

II. The board, having recognized an employee organization, shall within ten days of receipt of such notice commence meeting and conferring with the representatives of such organization on matters of salaries, wages or other benefits.

III. In such case, it shall be the duty of both parties to meet and attempt to reach an agreement which shall be reduced to writing and signed by duly authorized representatives of the parties; such agreement shall include a provision for membership dues deduction.

105-B:8 Unresolved Issues Submitted for Mediation or Fact Finding.

I. In the event that the representatives of the recognized employee organization and of the board are unable within forty days after and including the date of their first meeting, to reach an agreement, either party may request fact finding.

II. Where either party requests fact finding the procedure shall be as follows:

(a) Within seven days after such request is made in writing by one party to the other, each party shall select and name one person to represent it, and shall immediately notify the other in writing of the name and address of the person so selected. The two chosen shall then designate a third person to serve on the fact finding board. If they are unable to agree upon such person within ten days, the third person shall be selected by and in accordance with the appropriate rules and procedures of the American Arbitration Association.

(b) The fact finding board shall call a hearing within ten days after appointment and shall give at least seven days notice in writing to the negotiating or bargaining agent and the board, of the time and place of the meeting. The hearing shall be informal and the rules of evidence shall not be binding. Any documentary evidence and other data deemed relevant by the fact finding board may be received in evidence. The fact finding board will also have the power to administer oaths, and require by subpoena the attendance and testimony of witnesses, production of books records and other evidence relative or pertinent to the issues presented to them for determination. Both the employee organization and the board shall have the right to counsel at the hearing. The hearing shall be concluded within ten days, and within ten days thereafter the fact finding board shall make written findings and a written opinion on the issues, copies of which shall be mailed to the employee organization and to the board. Such report may also be made public by either party. The parties shall then resume meeting and conferring based on the report, but such report shall not be binding on either party.

(c) Fees and necessary expenses of such fact finding shall be borne equally by the employee organization and by the board.

III. Final ratification of any agreement reached with the employee organization shall be the sole responsibility of the board.

IV. Disputes arising between the parties as to the meaning or interpretation of a contract entered into between them then in effect, which cannot be resolved, may be submitted by either party to any mutually agreed upon individual or organization or the American Arbitration Association, to be decided accord-

ing to its rules and procedures, the opinion of such arbitrators shall be final and binding.

105-B:9 Individual Access to Boards. Nothing herein contained shall prohibit any individual or association subject to reasonable rules and regulations which may be adopted by a board, from appearing before it to be heard on any matters of common interest.

105-B:10 Elections.

I. Whenever, pursuant to rules and regulations promulgated by the clerk a petition has been filed by:

(a) Police officers or a group of such employees or by a labor organization acting in their behalf, alleging that thirty percent of the employees wish to be represented by an employee organization as exclusive agent or assert that the employee organization which has been recognized by the board is no longer the representative of the majority of employees in the unit:

(b) A public employer alleging that one or more employee organizations has submitted to it a petition to be recognized as agent of a majority of employees in a unit or that the employee organization does not in fact represent a majority of the police officers in the unit, the clerk shall investigate such petition and at his discretion hold hearings for the purpose of determining whether or not there exists a question of representation. Upon finding such question to exist, the clerk shall order an election to be held under his supervision; otherwise, to dismiss such petition.

II. In the absence of a simply majority of those eligible to vote as to any choices in the initial balloting, a run-off shall be conducted for the purpose of selecting one of the two choices having received the most votes; an employee organization receiving a simple majority shall be certified by the clerk as being the exclusive agent.

III. Nothing in this chapter shall be construed as prohibiting in any way the recognition of an employee organization as the agent by mutual consent.

IV. Failing the election of an employee organization by a simple majority, no other election can be held with respect to the same unit for the period of one year from the date of initial

election, and, upon repeated failure, one year each thereafter.

105-B:11 Prohibited Practices; Evidence of Bad Faith in Meet and Confer Proceedings.

I. Commission of a prohibited practice, as defined in this section, among other actions, shall constitute evidence of bad faith in meet and confer proceedings.

II. It shall be a prohibited practice for a public employer or its designated representative willfully to:

(a) Interfere, restrain or coerce police officers in the exercise of rights granted in RSA 105-B:3;

(b) Dominate, interfere or assist in the formation, existence, or administration of any employee organization;

(c) Encourage or discourage membership in any employee organization, by discriminating in tenure or other terms or conditions of employment;

(d) Discharge or discriminate against an employee because he has filed any affidavit, petition or complaint or given any information or testimony under this chapter, or because he has formed, joined or chosen to be represented by any employee organization;

(e) Refuse to meet and confer in good faith with representatives of a recognized employee organization;

(f) Deny the rights accompanying certification or formal recognition;

(g) Blacklist any employee organization or its members for the purpose of denying them employment;

(h) Avoid in good faith mediation, fact finding and arbitration endeavors; and

(i) Institute or attempt to institute a lockout.

III. It shall be a prohibited practice for police officers or employee organizations wilfully to:

(a) Interfere with, restrain or coerce police officers in the exercise of rights granted in this chapter;

(b) Interfere with, restrain, or coerce a board with respect to management rights granted in this chapter or with respect

to selecting a representative for the purpose of meeting and conferring on the adjustment of grievances;

(c) Seek modification of the status of supervisory employees as set forth in this chapter except as part of good faith meet and confer proceedings;

(d) Refust to meet and confer in good faith with a board as required by this chapter;

(e) Avoid good faith mediation, fact finding, and arbitration endeavors; and

(f) Engage in a strike.

IV. In applying this section, fundamental distinctions between private and public employment shall be recognized, and no body of federal or state law applicable to private employment shall be considered binding or controlling precedent.

105-B:12 Violations of Prohibited Practices. Any person aggrieved by the provisions of RSA 105-B:11 may seek redress by filing an action at law or in equity in the superior court of the county where such violation occurred.

105-B:13 Applicability. The provisions of this chapter shall apply to all cities.

105-B:14 Nothing in this chapter shall be construed as prohibiting any local government as defined herein from entering into collective bargaining contracts with employee organizations. In such event the provisions of this chapter for elections, unit determination, mediation, fact finding and arbitration shall apply.

2 Effective Date. This act shall take effect sixty days after its passage.

Sen. JACOBSON: This is the now famous policemen's bill which establishes a meet and confer situation in terms of bargaining with respect to policemen's rights. The bill, as it came in from the House, provided for an arbitration situation in which the Commissioner of Labor would be involved. Indeed, the Commissioner of Labor would be involved in the conduct of elections and a whole host of other matters. The Committee felt it would be better at this juncture to keep the situation as local as possible so that the city clerk will now handle the elec-

tions instead of the Commissioner of Labor. The conduct of the election is prescribed as it was generally in the earlier bill.

The fact finding part of the bill is still in there in which 3 members are appointed to a fact finding board when there cannot be an agreement and, after they have held their hearing and done their work, then the two groups whether board of selectmen or policemen's commission — will then come forward and have another meet and confer session.

The other important change that we have made is to limit this to the cities of New Hampshire so that no towns are included, only cities and city police forces will come under this legislation. Otherwise, what the bill does essentially is to establish minimal bargaining rights in terms of meet and confer legislation, not compulsory arbitration.

Sen. KOROMILAS: As I understand it there was a section in the original bill that specifically stated that the police have no right to strike.

Sen. JACOBSON: That is still in there.

Sen. KOROMILAS: Assuming that police attempt to strike, what are the punitive sanctions to prevent or to put on a police force that did strike in this situation?

Sen. JACOBSON: I would presume it would be a court injunction.

Sen. KOROMILAS: Is that in the bill?

Sen. JACOBSON: Sen. Leonard who is not here and handled that portion said that is a right that is given to a governing board at this time.

Sen. KOROMILAS: In some states, such as New York, people have struck where there has been a provision not to strike and the courts have actually invoked fines in accordance with laws that are usually allied with this type of legislation.

Sen. JACOBSON: There are no such fines in this bill. There never were any fines.

Sen. KOROMILAS: And no fines are inserted?

Sen. JACOBSON: No fines are inserted.

Sen. KOROMILAS: Do you feel a fine provision should be included in this amendment?

Sen. JACOBSON: I can't really answer that question. I don't know what kind of a fine could be imposed.

Sen. KOROMILAS: I am sure you would agree that if the Legislature did say that if a person did go on strike, as a policeman, that he would be fined say $25 a day when he exercised a right that he no longer had because he had given it up for purposes of collective bargaining.

Sen. JACOBSON: I suppose that would be a possibility.

Sen. KOROMILAS: Would you have any objection if that type of amendment were made to the bill to protect the citizen? The city police can now organize; they say that they want no part of striking and yet there is nothing in the bill that sets up any kind of penalty if they do what they say they will not do. Would you have any objection if a fine were inserted?

Sen. JACOBSON: I would not have an objection only because I don't know the answer to the question of what should be the fine. I can't really object or not object.

Sen. MORRISSETTE: Relative to the power of commissioners, in the new bill do they still have the same power as before where in the past they could refuse to meet? We have 2 suits already now where police officers are suing the city to be reinstated. Do they still have that power to refuse to reinstate men?

Sen. JACOBSON: At this moment in history, they have that power. But if this bill would become law, the cases about which you talk, they must meet and confer in good faith.

Sen. MORRISSETTE: I understand that the commissioner requested some kind of amendment to this bill. Is that correct?

Sen. JACOBSON: Are you referring to the Police Commissioner in Manchester?

Sen. MORRISETTE: Yes.

Sen. JACOBSON: No police commission or commissioner appeared before the Senate Committee at any time.

Sen. MORRISSETTE: I feel there is a lot of merit to the recommendation of Sen. Koromilas. Do you think this might jeopardize the whole bill if we amended it any further?

Sen. JACOBSON: I would have no way of knowing that.

Sen. KOROMILAS: I support the amendment and the bill and the concept of the bill. However, I have some strong reservations that the bill does not include any fines. It would seem to me that if police want to collectively organize and bargain, I would be the first to say hooray. But, at the same time as a part of this, they say they will not strike. I do not believe the policemen in this state will strike. However, it would seem to me that once they have given up the right to strike, they should abide by it and I think the people in the State of New Hampshire should have the right to at least expect that when a police officer who is a protector of us as citizens does strike, the court have more than an injunction power but a right to fine this person if he continually stays out of work and the protection of the people of this state. While I agree totally in principle with the idea, I feel the bill would have been stronger and better if it did include that proviso that set a specific fine on each policeman who did in violation of this act if this became a law to strike at the same time he had a right to collectively bargain with the cities and towns.

Sen. LAMONTAGNE: Sen. Jacobson, did you have anybody opposed to this bill?

Sen. JACOBSON: Yes. The City Attorney for the City of Keene came in opposition to the bill. I understand that the New Hampshire Municipal Association has great reservations about it.

Sen. LAMONTAGNE: How about the officers?

Sen. JACOBSON: The police officers are united in favor of the bill.

Sen. LAMONTAGNE: Personally, I feel that we ought to pass this bill as it has been recommended by the Committee. I personally feel if there is anything that is wrong with it we are going to be back here in possibly 9 months and, therefore, corrections can be made. But right now, I would like to see it passed in this form.

Sen. McCARTHY: I would like to speak in favor of HB 17 and the proposed amendment. I do so rather reluctantly because I don't think the bill is as strong as it should be. I would much rather see compulsory arbitration. The business about

writing in fines, although I can see some merit in it, some people have reservations and Sen. Koromilas himself said he did not anticipate any police force in New Hampshire going on strike and I don't either. Situations like that have been dealt with pretty successfully by courts who can determine how much the fine should be, etc. It has happened in education and it can happen with the police force. I would like to be recorded in favor of HB 17, but I am a little bit disappointed it is not a little bit stronger so far as compulsory arbitration is concerned.

Sen. KOROMILAS: Sen. Jacobson, in section 105-B:12, does every person have the right to bring an action in law and in equity if someone violates the pledge not to strike?

Sen. JACOBSON: That is right, 105-B:12 refers back to those things that are prohibited both by the police commission or the governing board and/or the police, And, if some failure — and there is a whole list of these failures incidentally — takes place they can seek redress in superior court.

Amendment Adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Sen. Jacobson moved the Rules of the Senate be so far suspended as to place on third reading and final passage at this time: HB 17, HB 20, HB 40 and HJR 5.

Adopted.

Third Reading and Final Passage

HB 17, establishing the rights of policemen.

HB 20, providing that children of prisoners of war in South Asia be given free tuition in the state's institutions of higher learning.

HB 40, accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death and providing for special permits for lumber trucks.

HJR 5, establishing an interim committee to study alternate system of financing higher education for the state.

Adopted.

SENATE NON-CONCURRENCE IN HOUSE AMENDMENT

REQUEST FOR COMMITTEE OF CONFERENCE

Sen. Snell moved the Senate non-concur in the adoption of the House amendment and request a Committee of Conference on:

SB 17, establishing an environmental protection department.

Adopted.

The Chair appointed as members of said Committee on the part of the Senate: Sens. Porter and Snell.

TAKEN FROM THE TABLE

Sen. Tufts moved HB 42 be taken from the table.

Adopted.

HB 42

to suspend the implementating of certain governmental programs until such time as state and/or federal funding is available. Ought to pass with amendment. Sen. Jacobson for Executive Departments.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act
relative to approval of schools, legalizing the town meetings of Salisbury, Marlow, South Hampton and Hooksett, relative to inventory blanks, relative to approval of bond issues, amending the charter of the city of Nashua, and relative to competitive bidding for county purchases.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Approval. Amend RSA 186 by inserting after section 8 the following new section: 186-8-a Approval of Schools. Any school shall be deemed approved which reasonably follows the rules and regulations of the board of education and if a sum is

appropriated for its operation equal to at least eighty percent of the state average per pupil cost, providing that the board may approve any such school if a lesser percentage is appropriated for its operation.

2 Town of Salisbury. The acts and proceedings of the annual town meeting of the town of Salisbury, held March 7, 1972, are hereby legalized, ratified and confirmed.

3 Town of Marlow. All the votes and proceedings of the annual town meeting of the town of Marlow, held March 7, 1972, and all the votes and proceedings in any continuance of said meeting are hereby legalized, ratified and confirmed.

4 Town of South Hampton. All the votes and proceedings, including but not limited to the adoption of the zoning ordinance and the trailer parks ordinance, of the annual town meeting of the town of South Hampton, held March 7, 1972, are hereby legalized, ratified and confirmed.

5 Town of Hooksett. All the votes and proceedings of the annual town meeting of the town of Hooksett held on March 7, 1972, are hereby legalized, ratified and confirmed.

6 Inventory Blanks. Amend RSA 74:4, I, as inserted by 1969, 287:16, by inserting after paragraph (e) the following new paragraph: (f) A census of all persons, by name and age, occupying the premises as of April first.

7 Postponement of Hearings. Amend RSA 33 by inserting after section 8-b the following new section: 33:8-c Postponement of Hearings. Notwithstanding the provisions of section 8-a of this chapter, the governing board of any municipality, in lieu of or in addition to holding the hearing required by section 8-a, may give notice in the manner provided in said section 8-a and hold a public hearing with respect to a proposed municipal bond or note issue in excess of one hundred thousand dollars not less than fifteen days before the date on which it is proposed that such borrowing may be authorized, whenever it is proposed that such authorization occur at an adjourned session of the municipalities annual meeting. Nothing in this section or section 8-a shall be construed to require the holding of more than one such public hearing or to require that such public hearing be held before the warrant for the annual meeting is issued by the governing board. Notwithstanding the provisions of RSA

32, whenever the budget committee is advised by the governing board of a municipality that it is proposed that authorization of a borrowing will be acted upon at an adjourned session of an annual meeting of the municipality, the budget committee, in lieu of considering the proposal for inclusion in the annual budget for the municipality, may postpone such consideration and thereafter deal with the matter as though it were a proposal to be considered at a special meeting of the municipality to be held on the same date as the adjourned session of the annual meeting at which it is to be considered by the voters of the municipality, except that copies of the budget committee's report need not be posted if a copy thereof is delivered to the moderator of the municipality for announcement by him at the adjourned session of the annual meeting at which the proposed borrowing is to be considered. The public hearing before the budget committee may be held at the same time and place as the postponed public hearing before the governing board authorized by this section, and in case such hearings are so held simultaneously, no public notice of the hearing by the budget committee need be given under RSA 32.

8 Majority Vote and Run-off Election Required. Amend section 23 of part 1 of chapter 427, Laws of 1913 as amended by 1941, 277:2 (The Charter of the City of Nashua) by striking out the last sentence and inserting in place thereof the following: (A plurality of votes shall elect, except for the office of mayor, and in the case of a tie vote, the tie shall be determined by lot under the direction of the city clerk and the person so winning the tie shall be declared elected. If no candidate for mayor receives a majority of all votes cast for mayor, no person shall be declared as elected for this office; the two candidates receiving the highest number of votes for mayor shall be placed on the official ballot as candidate for mayor at a special run-off election. In this event, the board of aldermen shall schedule a run-off election within thirty days and issue their precept to the selectmen of the respective wards directing them to issue their warrants, calling meetings of the voters in their wards on the day scheduled for the run-off election. The run-off election, counting of ballots and declaration of the results shall be accomplished according to the procedures set forth in this section.) so that said section as amended shall read as follows: Sect. 23. As soon as the polls are closed, the ward officers shall immediately open the ballot boxes, take therefrom and count the ballots in

public view, and enter the total number thereof on the tally sheet provided therefor by the city clerks. They shall also carefully enter the number of votes for each candidate on said tally sheet and the ballots and tally sheets used at such municipal election shall be sealed up in the manner provided in the case of general biennial elections, and returned within one hour to the city clerk. A return of the result of the vote in each ward for all officers to be chosen at such election, certified by the moderator, shall be made to the city clerk within the same time on blanks provided by him for that purpose; and the city clerk shall immediately record all such returns and the same, together with his record thereof, shall be open to the inspection of any citizen. He shall submit his record of the returns of each municipal election to the board of aldermen, at a meeting to be holden at eight o'clock in the evening on the Tuesday next following such election, and the board of aldermen shall canvass the returns and declare the result. Such declaration shall be duly recorded by the city clerk, and, except as hereinafter provided, shall be conclusive as to the right of the persons declared elected to hold the offices to which they are so declared elected. A plurality of votes shall elect, except for the office of mayor, and in the case of a tie vote, the tie shall be determined by lot under the direction of the city clerk and the person so winning the tie shall be declared elected. If no candidate for mayor receives a majority of all votes cast for mayor, no person shall be declared as elected for this office; the two candidates receiving the highest number of votes for mayor shall be placed on the official ballot as candidate for mayor at a special run-off election. In this event, the board of aldermen shall schedule a run-off election within thirty days and issue their precept to the selectment of the respective wards directing them to issue their warrants, calling meetings of the voters in their wards on the day scheduled for the run-off election. The run-off election, counting of ballots and declaration of the results shall be accomplished according to the procedures set forth in this section.

9 Referendum. The warrants for the next municipal election after the effective date of this section in the city of Nashua shall include an article substantially as follows: "To see if the voters of the city of Nashua will vote to adopt the provisions of section 8 of an act passed by the 1972 session of the legislature requiring that the mayor of the city of Nashua be elected by majority vote and providing for a run-off election relative to the

same," and the same question shall be printed on the official ballot for said election with proper provision made to permit the voter to clearly indicate his choice on the question. If a majority of those present and voting on the question vote in the affirmative the charter of the city of Nashua shall be declared to be amended as provided in section 8 of this act. Within ten days of said election the city clerk shall certify to the secretary of state the results of the vote on said question.

10 Competitive Bidding. Amend RSA 28:8 by deleting in lines 3, 4, 5, 6, and 7 thereof the following words, ("provided that the county commissioners by unanimous vote may waive the provisions for such bidding. In case the commissioners so vote a copy of such action shall be recorded in their offices with a statement of the reason therefor and such record shall be open to public inspection") so that said section shall read as follows: 28:8 Competitive Bidding on Purchases. Any purchase of equipment or materials made by a county in an amount exceeding three hundred dollars shall be by competitive bidding. Orders for equipment or material to be delivered at different times where the single delivery may be less than three hundred dollars but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.

11 Effective Date. This act shall take effect as follows:

I. Upon passage; sections 1, 2, 3, 4, 5, and 9;

II. On January 1, 1973; section 6;

III. Upon passage; section 7, and its provisions shall be deemed to be applicable to annual municipal meetings held in 1972 as well as thereafter.

IV. If section 8 is adopted as provided by section 9 of this act said section 8 shall become effective for the election to be held in November of 1973.

V. Sixty days after passage; section 10.
Amendment Adopted.

Sen. Koromilas moved adoption of the following amendment.

AMENDMENT

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 Police powers for commissioner of safety. Amend RSA 106-A:2, as inserted by 1961, 166:3, by inserting in line 7 after word "safety." (The commissioner shall have all police powers granted police employees by RSA 106:B-12.) so that said paragraph as amended shall read as follows: 106-A:2 Commissioner of safety. The executive director of the department of safety shall be under a commissioner of safety, who shall be appointed by the governor and council. He shall hold office for a term of five years from the date of his appointment and until his sucessor is appointed and qualified. A vacancy shall be filled for the unexpired term. It shall be the responsibility of the commissioner to organize and direct the work of the department of safety. The commissioner shall have all police powers granted police employees by RSA 106-B:12.

12 Effective Date. This act shall take effect as follows:

I. Upon passage; sections 1, 2, 3, 4, 5, and 9;

II. On January 1, 1973; section 6;

III. Upon passage; section 7, and its provisions shall be deemed to be applicable to annual municipal meetings held in 1972 as well as thereafter.

IV. If section 8 is adopted as provided by section 9 of this act said section 8 shall become effective for the election to be held in November of 1973.

V. Sixty days after passage; section 10 and 11.

Sen. KOROMILAS: The amendment merely gives the Commissioner of Safety police power which he does not already have. As you know, the Commissioner of Safety is the former Chief of Police of the Dover Police Force. He is a policeman by profession yet he finds himself in a position where he is the Commissioner of Safety and does not have the power of arrest. All he is asking by this particular amendment is to give him those powers so that he can fulfill his fuction in accordance with his previous title as a Chief of Police.

Amendment Adopted.

Sen. Tufts moved adoption of the following amendment.

AMENDMENT

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Hillsborough County. Amend RSA 28:8 by striking out said section and inserting in place thereof the following:

28:8 Competitive Bidding on Purchases.

I. Any purchase of equipment or materials made by any county except Hillsborough County in an amount exceeding three hundred dollars shall be by competitive bidding, provided that the county commissioner by unanimous vote may waive the provisions for such bidding. In case the commissioners so vote a copy of such action shall be recorded in their offices with a statement of the reasons therefor and such record shall be open to public inspection. Orders for equipment or material to be delivered at different times where the single delivery may be less than three hundred dollars but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.

II. Any purchase of equipment or materials made by Hillsborough County in an amount exceeding three hundred dollars shall be by competitive bidding. Orders for equipment or material to be delivered at different times where the single delivery may be les than three hundred dollars but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.

Sen. TUFTS: The amendment, as drafted by Mr. Marx's office, makes section 10 apply solely to competitive bidding in Hillsborough County.

Amendment Adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Sen. Koromilas moved the Rules of the Senate be so far suspended as to allow the introduction of a Senate Resolution.

Sen. KOROMILAS: The subject of the Senate Resolution is the Concurrent Resolution that I submitted earlier in the Session with respect to the minority rights of Jews in the Soviet Union. That Concurrent Resolution passed here and, for some reason, this particular Concurrent Resolution got into the House and is in the pocket of one of the members of one of the

committees in the House. I think if the House does not want to memorialize the President with respect to the minority rights of Jews in the Soviet Union, I think the Senate, since they have expressed their view with respect to this, should have the right to send this type of thing to the President so that when he talks to the Russian leaders he can memorialize and tell them that at least the Senate of the State of New Hampshire would like to allow these unfortunate people the right to leave the Soviet Union and to be accorded the right to worship their God as they want to and also to get the rights to which they are entitled by the Soviet Constitution itself. That is the subject of the Senate Resolution now proposed by me.

Sen. LAMONTAGNE: I am in opposition to this motion to suspend the rules. We have already taken action in this Senate. And I, personally, feel this should not come up again. Now, if a member of the House has it in his pocket, it is up to him to produce it and I do not see why we should introduce the same thing here in this Senate.

Sen. KOROMILAS: Do you understand this is not a Concurrent Resolution but merely a *Senate* Resolution?

Sen. LAMONTAGNE: I fully understand what you are proposing now; but we have already taken action in this body and it has already been referred to the House.

Sen. KOROMILAS: If I told you that the Leader of the House advised me that this is being held in the pocket of one of the members in the House, would you change your opinion?

Sen. LAMONTAGNE: No. I am against it.

Sen. McCARTHY: I would like to speak briefly against the Motion to Suspend the Rules also. This passed the Senate before and I don't know what the vote was, but I know myself how I felt about it. Frankly, I don't see where this is that important or that critical an issue right now at this point in time. I am inclined to agree with Sen. Lamontagne. I am opposed to suspending the rules at this time, and taking up this matter.

Sen. KOROMILAS: Sen. McCarthy, isn't it true that the majority of the Senate did go on favor of this particular resolution as it came in as a Concurrent Resolution?

Sen. McCARTHY: Frankly, I remember my own vote on

it. It happened to be several weeks ago and a lot has transpired since. If that happened, I will accept your word on it.

Sen. KOROMILAS: You don't feel at this time we should even add another moment for these people in the Soviet Union who are being discriminated against?

Sen. McCARTHY: I don't know where you get your information, Senator, but probably from the newspapers the same as I do. And you can accept some of it and you don't have to accept all of it. We could go on the same type of situation and talk about the situation in Ireland, if you wanted to get involved over there. But there are two sides to that question also. You could talk about the Middle East; you could talk about the whole world. I think what we are here for is to represent the people in New Hampshire with New Hampshire problems and I don't think that this, right now, is one of the problems with which we should be dealing.

Sen. KOROMILAS: By voting for this type of resolution, does it affect in any way any citizen in the State of New Hampshire, adversely or otherwise?

Sen. McCARTHY: I really don't know. I think that there may be some citizen in New Hampshire who may have a relative behind the Iron Curtain, so obviously there may be somebody more directly concerned than I might be.

Sen. SNELL: I rise in support of the Suspension of the Rules to allow the introduction of the Resolution by Sen. Koromilas. I feel very strongly that we should act on this before we go home this evening. What disturbs me even more is the type of action that has taken place on this piece of legislation in the House. To think that an individual, or a group of individuals, are so powerful that they can pocket a resolution such as this that passed this body with a unanimous vote even though individuals pointed out that they supported the resolution but disagreed with the topic, the timing, the importance, etc. I feel at this time we should act on this and support Sen. Koromilas.

Sen. LAMONTAGNE: If we had to take action on all the bills that are going into the House and we had to turn around and reintroduce them because someone has put a bill into their pocket, we would be here until doomsday. This already went

through this branch and it is in the other branch of this General Court and, therefore, I am sure the leadership could demand this bill back. But, because one member has this piece of legislation in his pocket, I don't thing it is right for us to turn around and reintroduce it again. I am against it.

ROLL CALL

Requested by Sen. Lamontagne. Seconded by Sen. Koromilas.

Yeas: Sens. Snell, Jacobson, Morrissette, Brown, Marcotte, Koromilas, Downing and Tufts.

Nays: Sens. Lamontagne, Poulsen, Townsend, McCarthy and Provost.

Results: Eight Senators having voted in the affirmative and five having voted in the negative, Motion Lost.

Sen. Jacobson moved the Senate do now adjourn from the Early Session and that on third reading, all bills be read by title only, and that when the Senate adjourns, it be until tomorrow at 10 o'clock.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 42, relative to approval of schools, legalizing the town meetings of Salisbury, Marlow, South Hampton and Hooksett, relative to inventory blanks, relative to approval of bond issues, amending the charter of the city of Nashua, and relative to competitive bidding for county purchases.

Adopted.

Sen. Townsend moved the Senate adjourn at 7:05 p.m.

Adopted.

Thursday
16Mar72

The Senate met in Joint Convention at 10 o'clock.

A quorum was present.

(Sen. Porter in Chair)

HOUSE NON-CONCURRENCE

SB 16, relative to the administration of the revenue laws.

HOUSE CONCURRENCE
IN SENATE AMENDMENT

HB 24, establishing an interim committee to study controls for snowmobile and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles.

HOUSE ADOPTION OF
COMMITTEE OF CONFERENCE REPORT

HB 6, increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds and authorizing the town of Lincoln to issue emergency notes.

ENROLLED BILLS REPORT

HB 7, authorizing state agencies to maintain certain records to qualify for federal funding and providing for inclusion of the social security amendments of 1971.

Sen. Ferdinando
For The Committee

Adopted.

(Senate President in Chair)

HOUSE CONCURRENCE IN SENATE AMENDMENTS

HB 17, establishing the rights of policemen.

HB 20, providing that children of prisoners of war in South East Asia be given free tuition in the state's institutions of higher learning.

HB 40, accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death and providing for special permits for lumber trucks.

HOUSE NON-CONCURRENCE IN SENATE AMENDMENTS

REQUESTS FOR COMMITTEE OF CONFERENCE

Upon motion of Sen. S. Smith, the Senate voted to accede to the request of the House for a Committee of Conference on:

HB 42, to suspend the implementing of certain governmental programs until such time as state and/or federal funding is available.

The Speaker has appointed as members of said Committee on the part of the House: Reps. Shirley Clark, James O'Neil and Robinson.

Upon motion of Sen. S. Smith, the Senate voted to accede to the request of the House for a Committee of Conference on:

HJR 5, establishing an interim committee to study a deferred tuition program for the state.

The Speaker has appointed as members of said Committee on the part of the House: Reps. James O'Neil, Gemmill, and Lemieux.

HOUSE DISCHARGE OF COMMITTEE OF CONFERENCE

REQUEST FOR NEW COMMITTEE OF CONFERENCE

Upon motion of Sen. S. Smith, the Senate voted to accede to the request of the House for a new Committee of Conference on:

SB 21, relative to the age of majority.

The Speaker has appointed as members of said Committee on the part of the House: Reps. Zachos, Frizzell, Healy, Riley and Palmer.

The President appointed as members of said Committee on the part of the Senate: Sens. Porter, Nixon and Leonard.

RECESS TO 2:00 p.m.

AFTER RECESS

COMMITTEE OF CONFERENCE REPORT

The Committee of Conference on SB 15, repealing the provisions for discretionary real estate licenses, having considered the same, report the same with the following recommendation:

That the House recede from its position in adopting its amendment and that the House and Senate each pass the bill as passed by the Senate.

Shirley M. Clark

Maurice L. Bouchard

Robert E. Raiche

Conferees on the Part of the House

Arthur Tufts

Richard W. Leonard

Conferees on the Part of the Senate

Sen. Leonard moved the Senate adopt the Committee of Conference Report.

Sen. LEONARD: The House agreed to accept the Senate Bill as passed.

Sen. KOROMILAS: As I understand it what the Committee of Conference Report does is to delete the provision that would have required those people who got a discretionary license to take a test within two years. Is that correct?

Sen. LEONARD: That is correct. On the theory that if a person were issued a discretionary license legally when the

law provided for it, they should not be a political football and have to turn it in.

Sen. NIXON: Having sponsored SB 15, I am pleased to report to the Senate that the Conference Committee is recommending that we do exactly what we have already done and that is pass it in the form that was first presented to us, which merely abolishes the law which permits the issuance of these discretionary licenses in the future or as of its effective date. It leaves the situation otherwise as it is now. Whether or not this body or the House in the future wants to try to take some further action with respect to existing licenses or the taking of reexaminations is something else. But, I am glad to see at least this step being taken in the direction of fixing up the law in this regard and doing away with some of the criticism — some of it just and some of it unjust — about the way our government works because of the discretionary licenses.

Sen. KOROMILAS: I rise in opposition to the Committee of Conference Report. I think the House has the right idea. I think it was expressed in this chamber by some of the members that we would like to have done something with respect to those licenses which were given under the discretionary license clause. I feel that, if the House really wanted it, and I think many of us do want it, then this is the time not to accept the Report and have another Committee of Conference appointed so that we could get the situation remedied as the House would like us to do.

Adopted.

HOUSE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

SB 15, repealing the provisions for discretionary real estate licenses.

ENROLLED BILLS AMENDMENT

HB 71, relative to the acquisition and disposal of industrial facilities.

AMENDMENT

Amend RSA 162-G:10, as inserted by section 1 of said bill by striking out lines four and five and inserting in place thereof the following:

in the case of a town, action shall be authorized by two-thirds of the registered voters present and voting at a regular or duly-called special town meeting. Action

Sen. Provost moved Adoption of the amendment.
Amendment Adopted.

HOUSE DISCHARGE OF COMMITTEE OF CONFERENCE

REQUEST FOR NEW COMMITTEE OF CONFERENCE

Upon motion of Sen. Jacobson, the Senate voted to accede to the request of the House for a new Committee of Conference on:

HJR 5, establishing an interim committee to study a deferred tuition program for the state.

The Speaker has appointed as members of said Committee on the part of the House: Reps. James O'Neil, Gemmill, Maloomian.

Upon motion of Sen. Jacobson, the Senate voted to accede to the request of the House for a new Committee of Conference on:

HB 41, relative to voter registration by town and city clerks.

The Speaker has appointed as members of said Committee on the Part of the House: Reps. Roma Spaulding, Wilson and McDonough.

ENROLLED BILLS REPORT

HB 6, increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds and authorizing the town of Lincoln to issue emergency notes.

HB 24, establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles.

HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases.

HB 44, providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973.

HB 45, authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved, providing for regulations relative to the distribution and receipt of surplus commodities, and establishing a committee to study improvement in the commodity food distribution programs.

HB 46, establishing a line item budget for the city of Manchester and providing a four year term for the finance officer for the city of Manchester.

HB 67, exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter and making an appropriation therefor.

Sen. Ferdinando

For The Committee

Adopted.

RECESS TO 4:00 P.M.

AFTER RECESS

ENROLLED BILLS REPORT

HB 20, providing that children of prisoners of war in South East Asia be given free tuition in the state's institutions of higher learning.

HB 40, accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death and providing for special permits for lumber trucks.

HB 57, relative to voter registration residence requirement and permitting city clerks to accept voter registrations.

Sen. Ferdinando

For The Committee

Adopted.

APPOINTMENT TO COMMITTEE OF CONFERENCE

HB 42, to suspend the implementing of certain governmental programs until such time as state and/or federal funding is available.

The President appointed as members of said Committee on the part of the House: Sens. Jacobson and Marcotte.

Sen. S. Smith moved that the Senate do now adjourn from the Early Session and that when the Senate adjourns, it be until Thursday, March 23, at 10 o'clock.

Adopted.

LATE SESSION

Sen. Townsend moved the Senate adjourn at 5:10 p.m.

Adopted.

Thursday
23Mar72

The Senate met in Joint Convention at 10 o'clock.

A quorum was present.

ENROLLED BILLS REPORT

SB 15, repealing the provisions for discretionary real estate licenses.

HB 17, establishing the rights of policemen.

HB 71, relative to the acquisition and disposal of industrial facilities.

Sen. Ferdinando
For The Committee

Adopted.

(Sen. Porter in Chair)

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 24 'An Act relative to solid waste disposal.' having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment and that the House recede from its position in adopting its amendment to the bill and

that the House and Senate each adopt the following amendment to the bill and pass the bill as so amended.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Private Disposal Site. Amend RSA 147:30a (supp) as inserted by 1965, 201:3, as amended, by striking out said section and inserting in place thereof the following: 147:30-a Definition. The term "private disposal site" means any site, location, tract of land, area, building, structure or premises owned and maintained by a person, company, corporation or interest which is used or intended to be used for the depositing or disposing by burying, incinerating or other means of garbage, manure, putrescible material or refuse, as defined in RSA 147:24.

2 Exemptions. Amend RSA 147:30-d (supp) as inserted by 1965, 201:3, as amended, by striking out said section and inserting in place thereof the following:

147:30-d Exemptions. Nothing in this subdivision shall be construed to prohibit the maintenance of a dump site located on a person's own property:

I. Used for the express purpose of depositing garbage and refuse from his own residence, or

II. To individuals hauling or storing animal or poultry manure for use as a fertilizer, or

III. As a private disposal site if it is approved pursuant to the provisions of RSA 147:25, or

IV. As a private disposal site if upon application to the selectmen it is not found that it will probably constitute a nuisance or be injurious to the public interest and provided that it shall be approved by the department of public health and operated subject to all rules and regulations promulgated under RSA 147:28.

3 Correction of Effective Date. Amend 'An Act redistricting certain state senatorial districts' passed by the 1972 special session of the general court by striking out section 2 of said act and inserting in place thereof the following:

2 Effective Date.

I. No provision of this act shall affect in any manner any of

the proceedings of the membership of the senate of the general court that assembled for a biennial session on the first Wednesday of January 1971.

II. This act shall take effect April 1, 1972.

4 Effective Date. This act shall take effect upon its passage.

Sen. Frederick A. Porter, District 12
Sen. John R. Bradshaw, District 10
Conferees on the Part of the Senate

Rep. Elizabeth A. Greene, Rockingham 22
Rep. Majorie D. Colburn, Hillsborough 5
Rep. Alfred J. Ruel, Strafford 12
Conferees on the Part of the House

Sen. Bradshaw moved the Senate adopt the Committee of Conference Report.

Sen. BRADSHAW: I rise in support of adoption of the Committee of Conference report on Senate Bill 24. This bill started out and passed here with basically three important sections. The first was to transfer solid waste from the bowels of the Department of Health and Welfare to a distinguishable position in Water Supply and Pollution Control. The second was to allow the operation of privately owned solid waste facilities. The third was to do away with the restraint of trade imposed by the Public Utilities Commission for the benefit of those already in the business of moving refuse.

Of these three, only the provision to allow privately owned solid waste facilities has survived. At least this is a step in the right direction and offers some hope to our citizens for some progress in the mounting crisis of handling this horrendous problem.

I am sad to report that the combined efforts of the Public Utilities Commission and the trucking industry have prevailed for their own greed, much to the detriment of the consumer.

The transfer of function from Health and Welfare to Water Supply and Pollution Control also failed, despite the fact that the Commissioner of Health and Welfare appeared at both House and Senate hearings in favor of this transfer.

At this point I should like to make some observations that

affected the fate of not only SB 24 but also SB 17 and, to a lesser degree, SB 1.

In 1965, when I first served in the Legislature, there were relatively few who worked hard at environmental problems. I suppose, because of our particular backgrounds, some of us saw the need for sewage treatment plants and control of discharges into our land, our lakes and our rivers as being a more crucial issue than many other people did at that particular time. We tried to develop sound, reasonable and effective legislation despite an obvious lack of funds, facilities and personnel. I would be less than honest if I did not admit that we have failed to solve many of the curable problems *BUT* we must also admit that we have made many notable advances and, compared to where we were, we have greatly improved.

For my small part in this progress the National Wildlife Foundation honored me with the 1970 Legislative Conservation Award, for which I was very grateful. I tell you this in order to put my remarks into proper focus.

We now have a group of so-called environmentalists who seem to deal in extremism. Their tactics are not rational. They border on hysteria and, unfortunately, seem to have a great influence on the House membership. These people, plus the unholy alliance who seem to be against everything, must be recognized as the killers of rational legislation such as SBs 1, 17 and 24.

They claim to recognize the problem but refuse to acknowledge that it takes people and money to affect the cure. But even more ludicrous are their statements that these bills did not go far enough and, therefore, should be killed. They are asking for instant Utopia or nothing!! We had a chance to take a few steps in the right direction; but, instead, the House and the so-called environmentalists have granted a license to continue to rape our beautiful Granite State.

I hope that the Senate will concur in the adoption of the Committee of Conference Report.

Sen. KOROMILAS: I did not hear anything in your speech with respect to the new proposal. I wonder would you explain the rest of the bill for us.

Sen. BRADSHAW: I assume you are referring to the section on the Effective Date on the Senate redistricting.

Sen. KOROMILAS: It has to do with the exemptions on page 2 of the Committee of Conference Report which exempts — If I want to have a dump site located on my property, I can do so.

Sen. BRADSHAW: That was part of the original bill. It is also part of the existing law.

Sen. JACOBSON: In your speech, you said something about SB 1 not passing.

Sen. BRADSHAW: SB 1 was the bill which created an Environmental Protection Agency within the Attorney General's Office and provided for 2 Assistant Attorneys General. That bill was, for all intents and purposes, killed. There is in the budget, however, a provision for one Assistant Attorney General to handle the enforcement of the environmental protection laws.

Sen. JACOBSON: I notice that in SB 1 it asks for 12 and in the budget it asks for 14 Assistant Attorneys General.

Sen. BRADSHAW: I do not believe it ever started out with 12 and they don't have 14. Perhaps you are talking about a change from existing law to provide for one more. I am not sure what figures you have. The only change that was granted was one further position for this purpose in the Attorney General's Office.

Sen. JACOBSON: I call your attention to the second page of SB 1, which says in effect amend RSA 7:16 by replacing "10" and making it "12."

Sen. BRADSHAW: Yes. That is an increase of 2.

Sen. JACOBSON: But in the budget bill, it changes that law by striking it out and says that it shall be 14.

Sen. BRADSHAW: There is only one in the budget specifically for the enforcement of environmental protection laws. If there are 3 others in there, they are there for other purposes.

Report Adopted.

(Senate President in Chair)

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred House Bill No. 43, an act making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, certain state officers, and non-academic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof, amending the duties of the director of the division of accounts, making an appropriation for the non-public school study commission, making an appropriation for the committee on legislator orientation, and authorizing an agreement with Ohio state university veterinary school to enroll New Hampshire residents and making an appropriation thereof, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment, and

That the Senate and House each adopt the following amendment to the bill.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT
making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes and relative to other matters.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriations: The sums hereinafter detailed in this act are hereby appropriated to be paid out of the treasury of the state for the purposes specified for the branches and departments named for the fiscal years ending June 30, 1972 and June 30, 1973.

Less estimated federal revenue	---		144,895	
Total for office of state planning		$ 4,200		$ 151,295
Total for executive office		$ 4,200		$ 151,295

* In this appropriation $289,790 shall be expended contingent upon a 50% matching reimbursement from federal.

4 Adjutant general's department:				
I Armories:				
Current expenses	$ 3,000		$ 3,000	
Total		$ 3,000		$ 3,000
II State military reservation- Concord:				
Travel:				
In state	$ 200		$ 200	
Total		$ 200		$ 200
III State military reservation- Pease air force base, Portsmouth:				
Current expenses	$ 800		$ 800	
Total		$ 800		$ 800
Net appropriation for adjutant general's department		$ 4,000		$ 4,000
5 Administration and control:				
I Division of budget and control:				
Other expenditures:				
New England board of higher education:				
Grants	$ 25,000		$ 50,000	
Expenses	27,283		28,094	
Expenses for board	300		300	
Indigent defendants	35,000		40,000	
Commission on the status of women	5,000g		---	
Total		$ 92,583		$ 118,394

	FISCAL 1972		FISCAL 1973	
II Division of accounts:				
Personal services:				
Other	$ 7,500		$ 16,000	
Other expenditures:				
Accelerate processing time of current existing payroll system by using the central computer facility and at the same time design and implement a new personnel/payroll system and a fully integrated fiscal accounting system	32,000ca		182,605ca	
Total		$ 39,500		$ 198,605
III Division of buildings and grounds:				
(a) Health and welfare laboratory building:				
Personal services:				
Permanent	$ ---		$ 29,413	
Other	---		488	
Current expenses	---		50,588	
Equipment	---		2,010	
Total		$ ---		$ 82,499
IV Division of investigation of accounts:				
Personal services:				
Permanent	$ ---		$ 11,560	
Current expenses	---		140	
Travel:				
In state	---		1,000	
Equipment	---		3,500	
Total		$ ---		$ 16,200

V Division of purchase and property:				
(a) General:				
Personal services:				
Permanent	$ ---		$ 8,445	
Current expenses	---		2,905	
Equipment	---		650	
Total	$ ---		$ 12,000	
Less eatimated revenue	---		12,000	
Net appropriation		$ 0		$ 0
Total for administration and control		$ 132,083		$ 415,698

ca. This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of the department of centralized automated data processing, and in the event that said department does the work for which these funds are appropriated, the required funds upon billing by the department are to be paid to it and included as part of its estimated revenue.

g. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1973.

6 Aeronautics commission:				
I Administration:				
Current expenses	$ 728		$ 728	
Other expenditures:				
CAB hearings	3,000h		---	
Total		$ 3,728		$ 728
II Grants:				
Airport maintenance assistance	$ ---		$ 50,000*	
Less estimated revenue	---		50,000	
Net appropriation		0		0
III Airways toll fund:				
Other expenditures:				
Establishment and maintenance of air navigation facilities on state airways system		1,000		1,000
Total for aeronautics commission		$ 4,728		$ 1,728

h. This appropriation shall be a continuing appropriation and shall not lapse.

* This appropriation to be expended only to the amount of revenue consisting of enplaning fees that become available.

		FISCAL 1972		FISCAL 1973	
7	Agriculture:				
	I Bureau of weights and measures:				
	Equipment		$ 19,045		$ ---
	II Division of markets and standards:				
	Current expenses		1,725		1,725
	III Meat inspection service:				
	Travel:				
	In state		2,900		2,900
	Total		$ 23,670		$ 4,625
	Less estimated federal funds		1,450		1,450
	Net appropriation		$ 22,220		$ 3,175
8	Attorney general's department:				
	I Administrative and general services:				
	Salary of one assistant attorney general	$ ---		$ 17,129	
	Personal services:				
	Permanent	---		10,902	
	Current expenses	---		400	
	Travel:				
	In state	---		300	
	Out of state	500		500	
	Equipment	---		1,000	
	Other expenditures:				
	Special counsel - CAB hearing and any related expenses	20,000f		---	
	Total		$ 20,500		$ 30,231
	II Division of criminal justice:				
	Salary of one assistant attorney general	$ ---		$ 17,129	
	Personal services:				
	Permanent	---		5,451	
	Current expenses	---		700	
	Travel:				
	In state	---		500	
	Out of state	---		300	
	Equipment	---		1,500	
	Total		---		25,580

III Division of consumer protection:				
Equipment		---		3,000
IV Division of charitable trusts:				
Current expenses		880		---
V Eminent domain - special counsel	$ 30,000*		$ ---	
Less transfer from highway fund	30,000		---	
Net appropriation		0		0
Total for attorney general's department		$ 21,380		$ 58,811

f. This appropriation shall not lapse until June 30, 1973.

* This appropriation shall not lapse until June 30, 1973 and shall be a charge against the highway fund.

HB 43 -7-

9 Boards:				
I Registration of architects:				
Current expenses		$ 1,000		$ 1,000
Total for boards		$ 1,000		$ 1,000

	FISCAL 1972			FISCAL 1973		
10 Board of education:						
I Vocational rehabilitation:						
(a) Blind rehabilitation:						
Current expenses	$ ---			$ 3,150		
Other expenditures:						
Case services	---			57,994		
Total	$ ---			$ 61,144		
Less estimated federal funds	---			48,916		
Net appropriation		$ 0			$ 12,228	
(b) Blind services:						
Current expenses	$ ---			$ 1,575		
Other expenditures:						
Education of the blind	---			40,367		
Total		0			41,942	
(c) Vocational rehabilitation:						
Personal services:						
Permanent	$ ---			$ 26,793		
Current expenses	---			16,185		
Equipment	---			2,887		
Travel:						
In state	---			1,250		
Out of state	---			520		
Other expenditures:						
OASI, retirement, and insurance	---			2,679		
Case services	---			567,009y		
Total	$ ---			$ 617,323		
Less estimated federal funds	---			493,858		
Net appropriation		0			123,465	
Total for vocational rehabilitation			$ 0			$ 177,635

II Education of handicapped children:				
Current expenses	$ ---		$ 4,568	
Other expenditures:				
Grants to approved programs for handicapped children	---		223,645	
Total		$ 0		$ 228,213
III Aids to districts:				
(a) School building construction		$ ---		$ 700,000bp
IV Vocational education acts:				
Other expenditures:				
Area vocational schools		$ 116,761		$ 131,761
V School nutrition:				
(a) School lunch	$ 89,026		$ 107,795	
Total	$ 89,026		$ 107,795	
Less estimated federal funds	79,486c		96,245c	
Net appropriation		$ 9,540		$ 11,550
VI New Hampshire technical institute - Concord:				
(a) Dental assistant program:				
Personal services:				
Permanent	$ 2,200		$ 10,317	
Total	$ 2,200		$ 10,317	
Lesa estimated federal funds	---		4,000	
Net appropriation		$ 2,200		$ 6,317
Net appropriation for board of education		$ 128,501		$1,255,476

c. Revenues in excess of the estimate may be expended with prior approval of the governor and council.

y. Funds appropriated in accordance with the provisions of the Federal Civilian Vocational Rehabilitation Act shall not lapse, but shall be carried over to the following year for the purpose of earning additional federal matching funds. Notwithstanding the provisions of RSA 9:17-a and RSA 99:4 with the approval of the Governor and Executive Council, funds may be transferred within line items in order to fully utilize federal funds for vocational rehabilitation of disabled persons.

bp. These funds shall not be expended for any other purpose, and no transfers shall be made therefrom. Funds shall be distributed under provisions of RSA 198:15a to e inclusive.

	FISCAL 1972	FISCAL 1973
11 Higher education fund:		
University of New Hampshire, Keene and Plymouth State College	$ ---	$ 405,592
Total for higher education	$ 0	$ 405,592bs

bs. For the fiscal years ending June 30, 1972 and 1973, the millage formula provided by RSA 187:24 is hereby suspended, and the sums hereby appropriated shall be the total appropriation for the University of New Hampshire, Plymouth state college, and Keene state college and shall be in lieu of requirements for appropriation under said RSA 187:24.

Out-of-state tuition shall be set annually by the Board of Trustees at a figure which reflects actual cost of per capita operating costs including instructional expenses, overhead, and bond retirement (excluding self-liquidating bonds) as determined by the costs in the fiscal year just preceding the first of January for the fiscal year in which the tuition is to be charged.

12 Department of health and welfare:					
I Office of commissioner of health and welfare:					
Current expenses			$ 10,891		$ 22,079
II Division of mental health:					
(a) Administration:					
(1) Office of director:					
Current expenses		$ 0		$ 571	
(2) Office of community mental health services:					
Personal services:					
Permanent		0		15,979	
(3) Other expenditures:					
Grants to community mental health services		0		200,000aa	
(4) Bureau of family care:					
Other expenditures:					
Clothing, incidentals and medical expenses		1,000		3,000	
(5) Office of mental retardation:					
Current expenses	$ ---		$ 500		
Travel:					
In state	---		1,000		
Other expenditures:					
Grants to community development centers for mentally retarded	---		22,500		
Total for office of mental retardation		$ 0		$ 24,000	
Total for administration		$ 1,000		$ 243,550	

	FISCAL 1972		FISCAL 1973	
(b) Laconia state school:				
(1) Custodial care:				
Personal services:				
Permanent		$ 0		$ 8,574
(2) Maintenance of plant:				
Current expenses		0		6,000
(3) Professional care and treatment:				
Personal services:				
Permanent		0		22,938
(4) Training and education:				
Personal services:				
Permanent		0		25,021
Total for Laconia state school		$ 0		$ 62,533
(c) New Hampshire hospital:				
(1) Administration:				
Other personal services:				
Permanent		$ 0		$ 9,265
(2) Custodial care:				
Personal services:				
Permanent		0		8,226
(3) Professional care and treatment:				
Personal services:				
Permanent	$ ---		$ 79,224	
Other	---		15,000	
Other expenditures:				
Research	5,512		5,512	
Total		$ 5,512		$ 99,736
Total for New Hampshire hospital		$ 5,512		$ 117,227
Total for division of mental health		$ 6,512		$ 423,310

III Division of public health:				
(a) Medical care administration:				
Personal services:				
Other		$ 0		$ 5,000
(b) Vital statistics:				
Personal services:				
Permanent		0		9,755
(c) Communicable disease control:				
Personal services:				
Permanent		0		4,429
(d) Dental public health:				
Personal services:				
Other	$ 18,000		$ 20,000	
Equipment	---		2,984	
Total		18,000		22,984
(e) Maternal child health and crippled children's services:				
Other expenditures:				
Cystic fibrosis		10,000		10,000
(f) Program on alcoholism and drug abuse:				
Personal services:				
Other		6,800		6,800
(g) Air pollution:				
Personal services:				
Permanent	$ ---		$ 75,090	
Other	---		10,500	
Current expenses	---		5,945	
Travel:				
In state	---		9,000	
Out of state	---		1,500	
Equipment	---		15,965	
Other expenditures:				
Commission expenses	---		2,500	

	FISCAL 1972			FISCAL 1973		
Training	---			7,500		
Total	$ ---			$ 128,000		
Less estimated federal funds	---			96,000		
Net appropriation		$ 0			$ 32,000	
Net appropriation for division of public health services			$ 34,800			$ 90,968
IV N.H. home for the elderly:						
(a) Custodial care:						
Personal services:						
Permanent	$ ---			$ 8,225		
Other	---			2,490		
Equipment	---			9,320		
Total		$ 0			$ 20,035	
(b) Maintenance of plant:						
Other expenditures:						
Repair of floor under refrigerator		6,000			0	
(c) Operation of plant:						
Personal services:						
Other	$ ---			$ 200		
Equipment	---			300		
Total		0			500	
Total for N.H. home for the elderly			$ 6,000			$ 20,535
V Division of welfare:						
(a) State office:						
(1) Office of director:						
Current expenses	$ ---			$ 3,654		
Other expenditures:						
Social security	---			21,100		
Blue cross and insurance	---			2,585		
Employees' retirement	---			14,209		
Total		$ 0			$ 41,548	

(2) Assistance payments:				
Grants:				
Old age assistance	$ ---		$ 802,765	
Less local share	---		200,691	
Less federal share	---		476,522	
Net appropriation	---		125,552	
Old age assistance aliens	---		70,353	
Less local share	---		28,592af	
Less federal share	---		41,761	
Net appropriation	---		---	
Aid to needy blind	---		41,280	
Less federal share	---		24,504	
Net appropriation	---		16,776	
Aid to permanently and totally disabled	---		87,036	
Less local share	---		30,463ag	
Less federal share	---		51,665	
Net appropriation	---		4,908	
Total grants		$ 0		$ 147,236
Total assistance payments		$ 0		$ 147,236
(3) Business management:				
Personal services:				
Permanent	$ ---		$ 19,279	
Travel:				
In state	---		932	
Out of state	---		261	
Equipment	---		250	
Total		$ 0		$ 20,722

	FISCAL 1972		FISCAL 1973	
(4) Social and rehabilitation services:				
Administration:				
Personal services:				
Permanent	$ ---		$ 36,156	
Travel:				
In state	---		1,000	
Out of state	---		340	
Equipment	---		500	
Total		$ 0		$ 37,996
Total for state office		$ 0		$ 247,502
(b) Field services:				
(1) District director:				
Current expenses	$ ---		$ 16,072	
Total		$ 0		$ 16,072
(2) Assistance payments:				
Personal services:				
Permanent	$ ---		$ 206,723	
Travel:				
In state	---		2,480	
Out of state	---		100	
Equipment	---		11,408	
Total		$ 0		$ 220,711
(3) Intake and referral:				
Personal services:				
Permanent	$ ---		$ 30,900	
Equipment	---		1,000	
Total		$ 0		$ 31,900

(4) Social & rehabilitation services:					
Personal services:					
Permanent	$ ---		$ 80,498		
Travel:					
In state	---		3,700		
Out of state	---		170		
Equipment	---		750		
Total		$ 0		$ 85,118	
Total field services		$ 0		$ 353,801	
Total for division of welfare		$ 0		$ 601,303	
Less transfer re administration from federal funds		0		257,455	
Net appropriation for division of welfare			$ 0		$ 343,848
Total for department of health and welfare			$ 58,203		$ 900,740

aa. These funds shall not be expended for any other purpose, shall be non-lapsing in the first year of the biennium, and if sufficient funds are not available for both years of the biennium for full implementation, these funds shall be prorated.

af. For the fiscal years ending June 30, 1972 and June 30, 1973 the share which a county or town must reimburse the state for old age assistance to aliens for which such county or town is liable shall be one hundred percent of the non-federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1973.

ag. For the fiscal years ending June 30, 1972 & 73, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1973.

		FISCAL 1972		FISCAL 1973	
13	Industrial development authority:				
	Personal services:				
	Other	$ 500		$ 750	
	Current expenses	1,200		2,520	
	Travel:				
	In state	800		1,500	
	Out of state	100		500	
	Total for industrial development authority		$ 2,600		$ 5,270
14	Industrial school:				
	I Custodial care:				
	Personal services:				
	Other		$ 8,000		$ 25,000
	II Operation of plant:				
	Current expenses	$ 3,000		$ 3,000	
	Equipment	2,000*		---	
	Total		$ 5,000		$ 3,000
	Total for industrial school		$ 13,000		$ 28,000
	* This appropriation shall be used to purchase a surplus truck from the department of public works and highways.				
15	Department of labor:				
	I Office of commissioner:				
	Personal services:				
	Other	$ 250		$ 100	
	Current expenses	1,200		2,950	
	Travel:				
	Out of state	250		---	
	Total		$ 1,700		$ 3,050
	II Inspection division:				
	Current expenses	$ 1,000		$ 300	
	Equipment	160		---	
	Travel:				
	In state	105		---	
	Total		$ 1,265		$ 300

III Workmen's compensation division:				
Current expenses	$ 600		$ 300	
Equipment	480		80	
Travel:				
In state	---		30	
Total		$ 1,080		$ 410
IV New Hampshire apprenticeship council:				
Current expenses	$ 200		$ 400	
Equipment	205		---	
Travel:				
In state	200		500	
Total		$ 605		$ 900
Total for department of labor		$ 4,650by		$ 4,660bz

by. Other provisions of law notwithstanding, the balance in the boiler inspection fund and the elevator inspection fund at June 30, 1971 shall lapse to the unappropriated surplus of the general fund and all revenue received by the department of labor shall be deposited with the state treasurer as unrestricted general fund revenue.

bz. Other provisions of law notwithstanding, all revenue received by the department of labor shall be deposited with the state treasurer as unrestricted general fund revenue.

16 Liquor commission:				
I Stores operation:				
Personal services:				
Other	$ 125,000		$ 125,000	
Other expenditures:				
OASI and retirement	6,500		6,500	
Total		$ 131,500cb		$ 131,500cb
II Warehouse:				
Personal services:				
Other	$ 15,000		$ 15,000	
Other expenditures:				
OASI and retirement	780		780	
Total		$ 15,780		$ 15,780

	FISCAL 1972		FISCAL 1973	
Total for liquor commission		$ 147,280		$ 147,280

cb Working hours of individual store employees shall be so assigned as to most effectively, efficiently and economically provide for adequate customer service requirements in each store within the limits of funds appropriated herein; provided however that these provisions shall not permit sales on Sunday or on holidays that are prohibited by statute.

17 Personnel department:				
Personal services:				
Permanent	$ ---		$ 4,620	
Current expenses	500		600	
Total for personnel department		$ 500		$ 5,220
18 Board of probation:				
1 Administration:				
Personal services:				
Permanent	$ ---		$ 4,659	
Current expenses	4,650		11,480	
Equipment	---		710	
Travel:				
In state	1,000		2,500	
Total for board of probation		$ 5,650		$ 19,349
19 Public utilities commission:				
I National gas pipeline safety:				
Personal services:				
Other	$ ---		$ - 200	
Current expenses	250		600	
Other expenditures:				
Special consultants	- 250		- 2,000	
OASI and retirement	---		1,600	
Total for public utilities commission		$ 0		$ 0
20 Public works and highways:				
1 Administration:				
Personal services:				
Permanent		$ ---		$ 16,212
II Engineering:				
Personal services:				
Permanent		1,107		30,862
III Land and buildings		---		50,000

IV State funds:				
State aid reconstruction		$ 250,000		$ ---
V Construction and reconstruction:				
Matching funds (federal aid):				
Secondary		$ 420,000a		$ ---
VI Debt service		$ ---		$ 920,000a
VII Legislative specials:				
Safety department - for commissioner, division of motor vehicles, state police and safety services	$ 365,198		$ 483,519	
Attorney general - for legal service	30,000		---	
Total		$ 395,198		$ 483,519
Total for public works and highways		$1,066,305		$1,500,593
Less estimated revenue and balance:				
Available from estimated lapses and balance		$1,066,305		$1,500,593
Net appropriation for public works and highways		$ 0		$ 0

a. The funds in this appropriation shall not be transferred or expended for any other purpose.

21 Eastern New Hampshire turnpike:				
I Blue star memorial highway:				
Maintenance:				
Personal services:				
Permanent	$ ---		$ 42,193	
Current expenses	---		77,005	
Equipment	---		46,415	
Travel:				
In state	---		1,000	
Total for eastern new hampshire turnpike	$ ---		$ 166,613	
Less estimated revenue	---		166,613	
Net appropriation for eastern new hampshire turnpike		$ 0		$ 0

		FISCAL 1972		FISCAL 1973	
22	Real Estate Board:				
	Personal Services:				
	Permanent	$ 1,477		$ 4,492	
	Current Expenses	250		500	
	Travel:				
	In state	200		200	
	Equipment	775		---	
	Total		$ 2,702		$ 5,192
23	Resources and economic development:				
	I Office of commissioner:				
	(a) Administration, warehouse and graphic arts:				
	Personal services:				
	Permanent	$ 4,630		$ 20,995	
	Current expenses	150		150	
	Equipment	4,500		---	
	Total	$ 9,280		$ 21,145	
	(b) Design, development and maintenance:				
	Other expenditures:				
	Reconstruction and repairs at Bear Brook State Park	$ 15,500g		$ ---	
	Total for office of commissioner		$ 24,780		$ 21,145
	II Economic Development:				
	Printing and binding, advertising, out of state offices	$ ---		$ 15,000c1	
	Total for economic development		$ ---		$ 15,000
	III Parks:				
	(a) Service parks:				
	Personal services:				
	Permanent	$ 1,612		$ 4,921	
	Other	---		15,000	
	Equipment	1,250		---	
	Total		$ 2,862		$ 19,921
	IV Resources development:				
	Personal services:				
	Other	$ 2,700		$ 4,000	
	Current expense	2,300		3,000	
	Total		$ 5,000		$ 7,000

Total for Resources and economic development			$ 32,642				$ 63,066

ci. Legislative intent is that the advertising funds may be used for state cooperative promotion with governor and council approval.

g. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1973.

24 Department of Safety:							
I Office of commissioner:							
(a) Administration:							
Personal services:							
Permanent	$ 6,100			$ 19,153			
Travel:							
In state	1,500			---			
Other expenditures:							
OASI, retirement, blue cross and insurance	610			2,000			
Total	8,210			21,153			
Less transfer from highway fund	7,800			20,095			
Net appropriation		$ 410			$ 1,058		
(b) Data processing section:							
Personal services:							
Permanent	$ 2,858			$ 8,874			
Current expenses	1,000			3,500			
Other expenditures:							
Automation of motor vehicle registration	$ 16,000ca			$ 104,000ca			
OASI, retirement, blue cross and insurance	285			900			
Total	$ 20,143			$ 117,274			
Less:							
Estimated federal funds	---			20,000			
Transfer from highway fund	20,143			97,274			
Net appropriation		$ 0			$ 0		
Total for office of commissioner			$ 410				$ 1,058

	FISCAL 1972		FISCAL 1973	
II Division of motor vehicles:				
(a) Administration:				
Personal services:				
Permanent	$ 15,167		$ 47,523	
Other	50,000		12,000	
Current expenses	72,000*		72,000*	
Equipment	2,500		2,500	
Other expenditures:				
OASI, retirement, blue cross and insurance	1,517		4,800	
Total		$ 141,184		$ 138,823
(b) Road toll section:				
Personal services:				
Permanent	$ 7,620		$ 24,216	
Current expenses	1,200		1,200	
Equipment	8,100		---	
Travel:				
In state	1,200		4,500	
Other expenditures:				
OASI, retirement, blue cross and insurance	762		2,500	
Total		$ 18,882		$ 32,416
(c) Photographic license:				
Personal services:				
Other	$ 13,456		$ ---	
Current expenses	27,154		---	
Equipment	1,100		---	
Travel:				
In state	2,250		---	
Other expenditures:				
OASI, retirement, blue cross and insurance	1,729		---	
Total		$ 45,689		$ 0
Total for division of motor vehicles		$ 205,755		$ 171,239
Less transfer from highway funds		205,755		171,239
Net appropriation for division of motor vehicles		$ 0		$ 0

III Division of state police:				
(a) Criminal intelligence bureau:				
Personal services:				
Permanent	$ ---		$ 43,320	
Current expenses	---		2,000	
Travel:				
In state	2,000		8,007	
Equipment	---		18,100	
Other expenditures:				
OASI, retirement, blue cross and insurance	---		3,923	
Procuring evidence	5,000a		5,000a	
Total		$ 7,000		$ 80,350
(b) Detective bureau:				
Personal services:				
Permanent	$ ---		$ 4,604	
Current expenses	1,000		---	
Travel:				
In state	1,000		---	
Equipment	6,000**		708	
Other expenditures:				
OASI, retirement, blue cross and insurance	---		500	
Total		$ 8,000		$ 5,812
(c) Communications section:				
Equipment	$ 30,000		$ 30,000	
Less estimated revenue	22,500		22,500	
Less transfer from highway fund	7,500		7,500	
Net appropriation		$ 0		$ 0
(d) Traffic bureau:				
Personal services:				
Permanent	$ ---		$ 56,512	
Current expenses	10,000		21,811	
Travel:				
In state	104,500		21,023	
Equipment	---		43,316	

	FISCAL 1972			FISCAL 1973		
Other expenditures:						
OASI, retirement, blue cross and insurance	$ ---			$ 4,676		
Ammunition	---			500		
In service training	1,500			2,500		
Total	$ 116,000			$ 150,338		
Less transfer from highway fund	116,000			150,338		
Net appropriation for traffic bureau		$ 0			$ 0	
Net appropriation for division of state police			$ 15,000			$ 86,162
IV Certificate of title:						
Current expense		$ 10,000			$ 10,000	
Less transfer from highway funds		10,000			10,000	
Net appropriation for certificate of title			$ 0			$ 0
V Division of safety services:						
Personal services:						
Other	$ 5,000			$ 10,000		
Current expenses	10,000			10,000		
Travel:						
In state	5,000			10,000		
Equipment	---			11,650		
Total		$ 20,000			$ 41,650	
Less transfer from highway fund		13,000			27,073	
Net appropriation for division of safety services			$ 7,000			$ 14,577
VI Tramway board:						
Current expenses		$ 460			$ 460	
Travel:						
In state		500			500	
Equipment		3,000			---	
Total			$ 3,960			$ 960
Total for department of safety			$ 26,370			$ 102,757

* $17,000 of this appropriation shall be for rent of sub station space at New Hampshire armories and shall not be expended or transferred for any other purpose.

** This appropriation shall be matched with applicable federal funds to purchase a fluorescence spectrophotometer.

a. The funds in this appropriation shall not be transferred or expended for any other purpose.

ca. This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of the department of centralized automated data processing, and in the event that said department does the work for which these funds are appropriated, the required funds upon billing by the department are to be paid to it and included as part of its estimated revenue.

25 Soldiers' home:				
I Custodial care:				
Personal services:				
Permanent	$ ---		$ 4,113	
Other	---		864	
Total		$ ---		$ 4,977
II Operation of plant:				
Personal services:				
Other		---		337
III Professional care and treatment:				
Personal services:				
Permanent	$ ---		$ 4,287	
Other	---		8,147	
Total		---		12,434
Total for Soldiers' home		$ - 0 -		$ 17,748
26 State Library:				
I Centralized catalog card service				
Current expenses	$ 2,000		$ 2,500	
Total	2,000		2,500	
Less estimated revenue	2,000c		2,500c	
Net appropriation		$ - 0 -		$ - 0 -
Total for state library		$ - 0 -		$ - 0 -

c. Revenues in excess of the estimate may be expended with prior approval of the governor and council.

27 State prison:				
I Administration:				
Current expenses	$ 1,500		$ 2,000	

		FISCAL 1972		FISCAL 1973	
	Travel:				
	In state	700		700	
	Equipment	500		500	
	Total		$ 2,700		$ 3,200
II	Auxiliary to prison and custody:				
	Current expenses	$ 3,000		$ 3,500	
	Other expenditures:				
	Awards - Gate Money	3,000		4,000	
	Total		$ 6,000		$ 7,500
III	Custodial care:				
	Personal services:				
	Other	$ 17,000		$ 41,323	
	Current expenses	10,500		12,000	
	Total		27,500		53,323
IV	Maintenance of plant:				
	Current expenses		4,000		4,000
V	Parole:				
	Personal services:				
	Other	$ 1,125		$ ---	
	Current expenses	300		300	
	Equipment	---		2,900	
	Travel:				
	In state	500		900	
	Out of state	500		500	
	Total		2,425		4,600
	Total for state prison		$ 42,625		$ 72,623
28	Tax commission:				
I	Office of commission:				
	Personal services:				
	Other	$ 33,937		$ 39,517	
	Current expenses	3,000		3,000	
	Equipment	14,500		---	
	Travel:				
	In state	3,000		---	
	Out of state	400		400	
	Total		$ 54,837		$ 42,917

II Property appraisals division:				
Personal services:				
Permanent		$ 0		$ 12,550
III Municipal accounting:				
Personal services:	$ 1,700		$ 1,700	
Other	1,500		800	
Current expenses				
Travel:	5,000		5,000	
In state	200		200	
Out of state		$ 8,400		$ 7,700
Total				
IV Miscellaneous tax division:	$ 2,900		$ 12,400	
Equipment				
Travel:	400		---	
Out of state		3,300		12,400
Total				
V Business profits and commuters' income tax:				
Personal services:	---		5,039	
Permanent				
Other expenditures:	8,000ca		20,000ca	
Centralized data processing		8,000		25,039
Total		$ 74,537d1		$ 100,606d1
Total for tax commission				

ca. This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of the department of centralized automated data processing, and in the event that said department does the work for which these funds are appropriated, the required funds upon billing by the department are to be paid to it and included as part of its estimated revenue.

d1. Cost records shall be maintained of all actual costs applicable to services performed for local communities by the tax commission relative to audits and appraisals. Said actual costs shall be billed to local communities on a monthly basis prior to the tenth day of the succeeding month.

	FISCAL 1972		FISCAL 1973	
29 State treasury:				
I Administration:				
Personal services:				
Other	$ 1,107		$ 4,477	
Current expenses	1,160		160	
Travel:				
Out of state	---		650	
Equipment	4,200		---	
Other Expenditures:				
Implementation of new data processing system for accounts payable, financial and revenue accounting/ reporting	$ ---		$ 35,000ca	
Rent for check printer	2,400ca		9,600ca	
Total		$ 8,867		$ 49,887
II Retirement division:				
Current expenses	$ 600		$ 600	
Other expenditures:				
Consulting services	---		2,200a	
Consulting actuary	7,000a		26,000a	
New Hampshire retirement system development and computer processing costs	---		84,800ca	
Total		7,600		113,600
Total for state treasury		$ 16,467		$ 163,487

ca. This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of the department of centralized automated data processing, and in the event that said department does the work for which these funds are appropriated, the required funds upon billing by the department are to be paid to it and included as part of its estimated revenue.

a. The funds in this appropriation shall not be transferred or expended for any other purpose.

30 Veterans council:				
Travel:				
In state	$ 500		$ 500	
Equipment	2,700		---	
Total for veterans council		$ 3,200		$ 500
31 Water resources board:				
I Administration:				
Equipment	$ ---		$ 3,600	
Other expenditures:				
Stream flow gauging	---		3,700cv	
Survey & investigation of ground water resources	---		18,000	
Total		$ 0		$ 25,300
II Dams inspection:				
Personal services:				
Permanent	$ ---		$ 13,049	
Current expenses	---		1,935	
Travel:				
In state	---		670	
Equipment	---		2,855	
Total	$ ---		$ 18,509	
Less transfer from fund established by RSA 270:5, VII	---		18,509	
Net appropriation		$ 0		$ - 0 -
III Construction section:				
Personal services:				
Permanent	$ ---		$ 44,657	
Other	---		10,000	
Equipment	---		19,000	
Current expenses	---		38,000*	
Travel:				
In state	---		6,000	
Total	$ ---		$ 117,657	
Less transfer in	---		117,657	
Net appropriation		$ 0		$ - 0 -
Total for water resources board		$ 0		$ 25,300

	FISCAL 1972		FISCAL 1973	
cv. To be used only for matching purposes with federal funds and this appropriation shall not be transferred or expended for any other purpose.				
* Includes $28,000 to be used for equipment rental.				
32 Water pollution commission:				
I Office of commission:				
Other personal services:				
Permanent	$ ---		$ 5,648	
Other	---		15,000	
Current expenses	6,000		6,000	
Travel:				
In state	3,000		3,000	
Total		$ 9,000		$ 29,648
II Sanitary engineering:				
Other personal services:				
Other	$ ---		$ 15,000	
Current expenses	11,500		12,000	
Travel:				
In state	3,000		3,000	
Total		$ 14,500		$ 30,000
III State Aid Grants		---		$ 216,500cy
IV Control of aquatic nuisances		40,000g		---
Total for water pollution commission		$ 63,500		$ 276,148

g. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1973.

cy. The sum hereby appropriated shall not lapse, but shall be added to the appropriation of the commission in any succeeding fiscal year, to be used for the purpose herein contained.

33 N.H. state council on aging:				
Personal services:				
Other	$ ---		$ 107,485	
Current expenses	---		35,895	
Equipment	---		8,092	
Travel:				
In state	---		4,000	
Out of state	---		3,700	
Other expenditures:				
Fringe benefits	---		7,494	
Total		$ 0		$ 166,666
Less estimated federal funds		0		125,000
Net appropriation for N.H. state council on aging		$ 0		$ 41,666
34 Secretary of state:				
I Office of secretary:				
Personal services:				
Permanent	$ 1,258		$ 5,293	
Other	2,500f		---	
Total		$ 3,758		$ 5,293
II Other expenditures:				
Binding, printing, and distribution of advance sheets, session laws, pamphlet laws, permanent house journals, permanent senate journals, and the manual of the general court		25,000cm		35,000cm
Total for secretary of state		$ 28,758		$ 40,293

f. This appropriation shall not lapse until June 30, 1973.

cm. This appropriation shall not lapse until June, 1973, shall be used for this purpose only, and may not be transferred. In the event the appropriation is insufficient to pay for items for which it is appropriated, the additional funds needed shall be transferred at the request of the president of the senate and speaker of the house, with the approval of the fiscal committee, from funds available in the legislative appropriation. The permanent journals of the house and senate shall be distributed free of charge upon request to any member thereof.

35 Reducing the 1972 Net Appropriation for Medical Care and Services $400,000. Amend the appropriation in 1971, 557:25, VII, (a) 4 (B) by striking out the same and inserting in place thereof the following:

(B) Medical care and services	$10,444,159	$14,100,017
Less local share	548,569	652,377
Less federal share	6,199,653	8,369,770
Net appropriation	$ 3,695,937	$ 5,077,870

36 Increasing the Net Appropriation for the Division of Public Health $64,684 in 1972, and $70,200 in 1973. Amend the appropriation in 1971, 557:25, V (a) by striking out the same and inserting in place thereof the following:

(a) Administration		
Salary of director	$ 22,504	$ 22,504
Other personal services:		
Permanent	73,707	73,940
Other	500	500
Current expenses	18,723	17,000
Travel:		
In state	2,100	2,100
Out of state	6,000	6,000
Equipment	6,530	3,200
Other expenditures:		
OASI and retirement	11,120	11,120
Merit system	4,380	4,274
Blue cross and insurance	1,380	1,400
Alpha exams	---	1,596
Total	$146,944	$143,624
Less estimated federal funds	4,116	-2,600
Net appropriation	$142,828	$146,224

37 Revised Statutes Annotated. The secretary of state, with the approval of the attorney general, is authorized and directed to contract with a competent and qualified law book publisher in the name of the state for the editorial preparation, publication, and distribution of cumulative pocket supplements to the Revised Statutes Annotated for the statutes of a public and general nature passed at the 1973 biennial assembly of the general court and any special sessions prior to the 1973 session. Copy for said 1973 supplements shall be forwarded to the office of legislative services for approval prior to publication. The supplements shall follow the general scheme used for the pocket supplements for the 1955, 1957, 1959, 1961, 1963, 1965, 1967, 1969 and 1971 sessions of the general court, in accordance with the contract entered into by the secretary of state under the authority of 1955, 278:1. The provisions of RSA 8 relative to competitive bidding for state purchases do not apply to the contract authorized under this act. The sum of thirteen thousand dollars is hereby appropriated for the purposes of this section relative to the supplements for the 1973 session of the general court. The governor is authorized to draw his warrant for the sum, or as much thereof as is necessary, out of any money in the treasury not otherwise appropriated.

38 Division Established. Amend RSA 7 by inserting after section 18 the following new subdivision:

Environmental Protection Division

7:18-a Division Established. There is hereby established in the office of the attorney general an environmental protection division. Said division shall be directed by an assistant attorney general who shall be appointed by the attorney general in accordance with the provisions of RSA 7:16 who shall carry out the duties imposed by this subdivision under the supervision of the attorney general and do such other work as the attorney general may assign. The attorney general shall appoint such other assistant attorneys general pursuant to the provisions of RSA 7:16 and such additional clerical, stenographic, and other staff as may be necessary to carry out the provisions hereof within the limits of the appropriations made therefor.

7:18-b Duties. The environmental protection division shall have the following duties and functions:

I. Enforce statutes pertaining to environmental protection, control, and preservation.

II. Counsel state agencies and commissions given the responsibility over environmental concerns including but not limited to the water supply and pollution control commission, the water resources board, the air pollution commission, and the pesticides control board.

III. Exercise the common law powers of the attorney general in protecting the environment.

IV. Bring public nuisance and other actions in superior court in the name of the state upon complaint by private citizens, when in the opinion of the attorney general the activity or activities complained of may have a substantial impact upon the environment of the state.

7:18-c Cooperation of Other Departments. The environmental protection division is hereby authorized to call upon any other state department, agency, commission, authority or institution for whatever help or assistance said division deems necessary to investigate and prosecute cases involving environmental damage and such other departments, agencies, commissions, authorities, and institutions are hereby required to forthwith cooperate with and assist said division without charge.

39 Appropriation. The sum of twenty-four thousand one hundred twenty-six dollars for fiscal year 1973 is hereby appropriated to be expended by the attorney general in carrying out the provisions of the environmental protection division as follows:

	1973	
1 Assistant attorney general	15,226	
Permanent personnel:		
1 legal steno II	5,699	
Other personal services	1,000	
Equipment:		
Desks and chairs (2)	666	
Typewriter and stand	535	
Travel:		
In state	1,000	
Total		$24,126

This appropriation shall be in addition to all other appropriations for the office of attorney general. The governor is authorized to draw his warrant from said sums out of any money in the treasury not otherwise appropriated.

40 Estimated Federal Funds. If under any appropriation in section 2 through 36 the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates and the applicable state matching funds.

41 Personnel to Establish Appropriate Salary Grades. Expenditure of the funds appropriated in this act for the establishment of new classified positions shall be subject to final determination by the department of personnel as to the appropriateness of the salary grades.

42 Armory Rentals. Rent for the use of an armory shall be credited and expended in accordance with the provisions of RSA 110-A:43 and is hereby appropriated for said purposes.

43 Additional Attorneys-General. Amend RSA 7:16 as amended by striking out in line two the word "ten" and inserting in place thereof the word (fourteen)so the said section as amended shall read as follows:

7:16 Assistant Attorneys-General. The attorney-general, subject to the approval of the governor and council, may appoint fourteen assistant attorneys-general, each of whom shall hold office for a term of five years. Any vacancy in such office may be filled for the unexpired term. An assistant attorney-general may be removed only as provided by RSA 4:1.

44 Exemption for contract of certain departments. Amend RSA 228:4, I-a as inserted by 1957, 257:1 and by 1971, 55:1 by inserting after the word "development" in line three, the words (and water resources board) so that said paragraph as amended shall read as follows:

I-a Notwithstanding the provisions of paragraph I, projects for the fish and game department, the division of parks of the department of resources and economic development and the water resources board, in excess of ten thousand dollars and not more than one hundred thousand dollars, may be done on a force account basis upon recommendation of the public works and highway

45 Repeal. RSA 94:1-a (supp) as amended establishing unclassified salaries commencing June 26, 1970 is hereby repealed on August 18, 1972.

46 Unclassified salaries starting the Second Year of the Biennium. Amend RSA 94:1 (supp), as amended, by striking out said section and inserting in place thereof the following: 94:1. Salaries Established. The annual salaries for the positions set forth shall be as follows commencing on August 18, 1972:

	Minimum	Maximum
Governor		$31,500
Chief justice, supreme court		29,925
Chief justice, superior court		28,350
Associate justice, supreme court		28,875
Associate justice, superior court		27,300
Judges, probate court		10,500
Racing commissioners		3,276
Sweepstakes commissioner, chairman		4,914
Sweepstakes commissioners,		2,621
Adjutant general	$15,987	17,985
Assistant attorneys general	15,987	17,985
Assistant bank commissioner	15,987	17,985
Assistant business supervisor	13,988	15,987
Assistant commissioner, public works and highways	21,316	23,314
Assistant commissioner of safety	13,988	15,987
Assistant to director of motor vehicles	12,938	14,937
Assistant to insurance commissioner	11,990	13,988
Assistant state librarian	11,990	13,988
Assistant state treasurer	11,990	13,988
Assistant superintendent, New Hampshire hospital	19,341	22,625
Attorney general	21,316	23,314
Bank commissioner	21,316	23,314
Business supervisor	16,653	19,984
Chairman, water resources board	13,988	16,653
Clerk of supreme court and court reporter	17,985	19,984
Commandant, soldiers' home	11,204	13,071
Commissioner of agriculture	15,987	17,985
Commissioner of department of employment security	21,316	23,314
Commissioner of education	$21,316	$23,314
Commissioner of health and welfare	21,316	23,314
Commissioner of public works and highways	23,699	26,261
Commissioner of resources and economic development	19,984	21,982
Commissioner of safety	21,316	23,314
Comptroller	21,316	23,314
Coordinator of crime and delinquency	9,471	12,600
Coordinator of federal funds	16,653	19,984
Coordinator of highway safety	16,653	19,984
Counsel, department of employment security	15,987	17,985
Deputy attorney general	17,985	19,984
Deputy bank commissioner	17,985	19,984
Deputy commissioner of education	17,985	19,984
Deputy commissioner of public works and highways	21,316	23,314
Deputy director, business profits tax	18,575	23,314
Deputy directors, commission on crime and delinquency	13,104	16,800
Deputy director of data processing	16,275	20,738
Deputy director of personnel	15,372	17,294
Deputy insurance commissioner	13,988	15,987
Deputy labor commissioner	10,658	12,657
Deputy registers of probate:		
Rockingham	7,061	9,059
Strafford	6,128	7,900
Belknap	6,128	7,900
Carroll	6,128	7,900
Merrimack	7,061	9,099
Hillsborough	8,260	10,298
Cheshire	5,623	7,100
Sullivan	5,623	7,100
Grafton	6,128	7,900
Coos	5,623	7,100
Deputy secretary of state	14,732	16,653
Deputy state treasurer	14,732	16,653
Deputy superintendent, industrial school	10,658	13,986

	Minimum	Maximum
Deputy superintendent, Laconia state school	$20,649	$22,649
Deputy warden, state prison	10,658	13,986
Director, business profits tax	21,000	26,670
Director of aeronautics	15,987	17,985
Director, charitable trusts	5,996	7,994
Director of clinical services	20,649	22,649
Director of clinical and surgical services	20,649	22,649
Director, commission on crime and delinquency	14,742	18,900
Director of correctional psychiatry	20,649	22,649
Director of data processing	21,000	26,670
Director, division of accounts	17,985	19,984
Director of economic development	15,987	17,985
Director, division of mental health	28,477	32,473
Director of division of parks	15,987	17,985
Director, division of public health services	21,316	23,314
Director, division of purchase and property	17,985	19,984
Director of division of resources and development	15,987	17,985
Director, division of welfare	15,987	17,985
Director of fish and game	15,987	17,985
Director of motor vehicles	13,988	15,987
Director, out-patient services	20,649	22,649
Director of personnel	17,985	19,984
Director of probation	12,810	14,732
Director of psychiatric education and research	20,649	22,649
Director of records management and archives	10,658	12,657
Director of safety services	12,938	14,937
Director of state police	15,987	17,985
Director of technical institute	15,987	17,985
Director, police standards and training council	12,600	16,800
Director, veterans' council	10,658	12,657
Eminent domain commission, chairman	15,987	17,985
Eminent domain commissioners	15,321	17,319
Eminent domain commission, clerk		10,500
Executive director, real estate commission	9,415	11,433
Executive director, sweepstakes		22,050
Executive director, water supply and pollution control commission	21,316	23,314
General counsel, department of employment security	17,985	19,984

	Minimum	Maximum
Governor's councilors	$ 42 per diem	$
Greyhound racing commissioners		3,276
Insurance commissioner	17,985	19,984
Labor commissioner	15,372	17,294
Liquor commissioner, chairman	18,575	20,496
Liquor commissioners	16,244	20,160
Manager of management information systems, data processing	15,645	19,845
Manager of operations, data processing	15,645	19,845
Manager of programming, data processing	15,645	19,845
Parole officer	13,986	15,987
Public utilities commission, chairman	15,987	17,985
Public utilities commissioners	15,321	17,319
Registers of probate:		
Rockingham		6,128
Strafford		5,862
Belknap		5,862
Carroll		5,862
Merrimack		6,128
Hillsborough		6,395
Cheshire		5,329
Sullivan		5,329
Grafton		5,862
Coos		5,329
Research assistant to the insurance commissioner	11,529	13,451
Secretary of state	21,316	23,314
Secretary, tax commission	18,575	20,496
Senior industrial agent	11,017	13,617
Senior psychiatrist	19,450	22,555
State fire marshal	11,990	13,988
State librarian	13,988	15,987
State treasurer	21,316	23,314
State veterinarian	14,068	15,902
Superintendent, industrial school	17,985	19,984
Superintendent, Laconia state school	21,316	23,314
Superintendent, New Hampshire hospital	25,841	29,837
Superintendent, state sanatorium	17,985	19,984
Tax commissioner	15,372	17,294
Warden, state prison	17,985	19,984

	Minimum	Maximum
Water supply and pollution control commission:	$	$
Chief aquatic biologist	14,089	16,016
Deputy executive director and chief engineer	18,571	20,493
Director municipal services and assistance	14,089	16,016
Pesticides surveillance scientist	13,167	14,968

Officials named in this section shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and in accordance with RSA 94:3. Racing commissioners, sweepstakes commissioners, and the state entomologist only excepted, any official whose salary upon placement in the new salary range is less than that of a subordinate classified employee shall be placed at the next higher step in range above said classified employee and shall be entitled to any increase provided for herein until the maximum provided herein is reached. However, in the event that the maximum of the unclassified position is less than the salary of said subordinate classified employee, the governor and council is authorized to increase the maximum of the unclassified position in an amount to provide a differential of not more than one thousand dollars.

Notwithstanding any other provisions of law to the contrary, the salaries of judges of probate court, deputy registers of probate, and registers of probate shall be as set forth above.

47 Appropriation. There are hereby appropriated for the fiscal year ending June 30, 1973 the salary increases provided in sections 46 and 49 of this bill the following sums: $87,976 from the general funds of the state, $5,409 from highway funds, $677 from fish and game funds, $3,387 from federal funds, $6,764 from self-sustaining and toll funds.

48 Authorization for public works and highways to encumber highway federal aid. Amend RSA 228 by inserting after section 13 the following new sections:

228:14 Authorization to encumber federal aid. The department of public works and highways is hereby authorized to encumber a total amount not to exceed one year of the regular federal aid highway appropriations. This authorization shall be a continuing authorization and shall be utilized to encumber contracts under the direction of the commissioner.

228:15 Accounts. The department shall maintain the records of the projects involved under this authorization in the regular federal aid appropriation account already established.

49 Salaries of Certain Unclassified Employees and Elected Officials. Any unclassified employee who on August 17, 1972, is receiving a salary greater than the top of the salary range for his position as prescribed in RSA 94:1-a by virtue of action of the governor and council pursuant to RSA 94:3-b shall, notwithstanding the provisions of RSA 94:1 as inserted by section 46 of this act, be paid, commencing on August 18, 1972, a salary equal to the salary he was receiving on August 17, 1972, plus five percent of said salary. Notwithstanding the provisions of RSA 94:1 as inserted by section 46 of this act, the salary of any person holding the office of governor and the compensation of anyone holding the office of governor's councilor prior to those persons elected to such offices at the biennial election in 1972 shall be that payable to the holders of said offices on the effective date of this section.

50 Appropriations for Retirement. There are hereby appropriated in addition to any other sums appropriated for retirement for fiscal 1973 the following sums:

	Fiscal 1973
General fund	$ 2,639
Highway fund	162
Fish and game fund	20
Federal	102
Self-sustaining	203
	$ 3,126

51 New Salary Ranges. Amend RSA 99:1 (supp), as amended, by striking out said section and inserting in place thereof the following: 99:1 Salaries Established. The salary ranges for all classified employees shall be established commencing on August 18, 1972 as follows:

Salary Grade	MIN.	STEP 1	STEP 2	STEP 3	MAX.
1	4525.82	4642.56	4758.26	4875.00	4990.44
2	4642.56	4758.52	4873.96	4989.40	5105.10
3	4758.52	4873.96	4988.36	5103.80	5219.50
4	4837.04	4986.80	5139.42	5318.56	5508.88
5	4989.14	5180.24	5399.42	5618.60	5837.78
6	5174.00	5393.18	5612.62	5831.80	6050.98
7	5415.80	5669.82	5924.10	6177.86	6431.88
8	5629.00	5883.02	6143.02	6391.06	6645.08
9	5841.68	6095.96	6349.98	6604.00	6858.02
10	6060.60	6309.16	6563.18	6822.40	7163.52
11	6267.82	6522.10	6905.08	7164.82	7542.60
12	6573.58	6929.78	7285.98	7642.18	7998.38
13	6773.26	7171.06	7574.06	7974.46	8374.86
14	7178.60	7594.60	8010.60	8426.60	8842.60
15	7549.88	7981.48	8413.08	8847.28	9278.88
16	7798.96	8248.76	8698.56	9145.76	9598.16
17	8050.90	8518.90	8984.30	9449.70	9915.10
18	8414.38	8908.38	9402.38	9896.38	10390.38
19	8778.12	9298.12	9820.72	10343.32	10863.32
20	9154.60	9677.20	10202.40	10727.60	11252.80
21	9531.34	10059.14	10586.94	11112.14	11639.94
22	10014.42	10622.82	11231.22	11837.02	12448.02
23	10495.16	11126.96	11758.76	12387.96	13022.36
24	10975.64	11630.84	12286.04	12941.24	13596.44
25	11757.98	12467.78	13174.98	13882.18	14591.98
26	12144.86	12867.66	13593.06	14315.86	15038.66
27	12532.00	13270.40	14008.80	14747.20	15488.20
28	12939.68	13717.08	14494.48	15271.88	16049.28
29	13349.96	14163.76	14980.16	15793.96	16610.36
30	13760.50	14613.30	15466.10	16318.90	17174.30
31	14747.98	15634.58	16523.78	17770.38	18299.58
32	15735.72	16658.72	17579.12	18502.12	19425.12
33	16933.80	17950.40	18967.00	19981.00	20997.60
34	18134.74	19242.34	20352.54	21460.14	22570.34

52 Appropriation. There are hereby appropriated for the fiscal year ending June 30, 1973 the salary increases for permanent classified employees as provided herein, the following sums: $1,913,610 from the general funds of the state, $1,005,640 from highway funds, $101,287 from fish and game funds, $473,880 from federal funds, $122,991 from self-sustaining and toll funds.

53 Appropriations for Temporary and Seasonal. There is hereby appropriated for the fiscal year ending June 30, 1973 for the salary increases for temporary and seasonal employees as provided herein the following sums: $312,555 from general funds of the state, $105,683 from highway funds, $20,237 from self-sustaining funds, $6,391 from fish and game funds, and $123,453 from federal funds.

54 Change in Date. Amend RSA 99:3 (supp) as amended by striking out said section and inserting in place thereof the following: 99:3 Increase in Salary. Classified employees of the state as of August 18, 1972 shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their annual salaries shall be in accordance with the salary scale set forth in RSA 99:1. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

55 Appropriations for Retirement and Oasi. There are hereby appropriated in addition to any other sums appropriated for retirement and OASI for fiscal 1973 the following sums:

	Fiscal 1973
General fund	$125,950
Highway fund	68,581
Fish and Game fund	6,340
Federal	42,176
Self-sustaining	9,364
	$252,411

56 University of New Hampshire. There is hereby appropriated for the fiscal year ending June 30, 1973 the sum of four hunhundred and thirty three thousand five hundred sixteen dollars. The sum hereby appropriated shall be used by the trustees of the university of New Hampshire to increase the salaries of the non-academic employees on the following campuses and in the following amounts: University of New Hampshire $350,685, Keene state college $40,733 and Plymouth state college $42,098. This appropriation shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrant for this sum out of any money in the treasury not otherwise appropriated.

57 State Classified Personnel and Management Study Commission. There is hereby established a state classified personnel and management study commission consisting of six members. Two shall be appointed by the president of the senate, two by the speaker of the house, and two by the governor. The governor shall designate one member as chairman of the commission. The members shall not receive any salary, but shall be entitled to reimbursement of legislative mileage and reasonable expenses incurred in the performance of their duties under this act.

58 Powers of the Commission. The commission established by section 57 is authorized and empowered for the purposes thereof:

I. To apply for, receive, accept, make use of and expend funds, services or personnel from any public or private sources.

II. Subject to the governor's approval, to hire, employ, or contract with any person or persons.

59 Objectives. The commission established by section 57 shall conduct a study to reach the following objectives:

I. A comprehensive analysis on a statewide basis as to why specific jobs are being performed within state departments;

II. A broad understanding as to how jobs function from department to department;

III. Recommendations as to the effectiveness and efficiency of statewide job performance:

IV. Recommendations as to savings which would be realized by improvement in present job efficiency or by elimination of duplicate or obsolete job functions; and

V. A detailed, practical program, which should describe those steps necessary to be implemented in order to realize the savings and operational improvements developed as a result of the study.

60 Duties of the Commission. The commission established by section 57 shall:

I. Make a thorough evaluation of the state personnel system;

II. Cause a performance, management and operations analysis to be made of the state personnel department;

III. Determine if and in what areas the policies, procedures and programs of the department of personnel and the personnel commission could be strengthened or enlarged. The areas for consideration and study shall include the following:

(a) Sufficiency of the department of personnel's staff and appropriation for it to meet its statutory requirements;

(b) The state's classification plan;

(c) The state's compensation plan;

(d) Recruitment and selection program;

(e) Overtime and differential pay;

(f) Employee performance or merit rating;

(g) The state's longevity pay plan;

(h) Management development and training;

(i) Personnel records;

(j) Appointments, promotions and transfers;

(k) Manpower planning;

(l) Personnel attitude survey; and

(m) The state tenure system and the manner of employee evaluation prior to the granting of tenure.

IV. Review the existing laws and regulations relating to state employees, and report on such revisions as seem desirable for the betterment of state service;

V. Ascertain the cost, and administrative requirements necessary for establishing in-service training programs for classified employees, for the biennium beginning July 1, 1973.

VI. Ascertain the cost and administrative requirements necessary for establishing a discretionary fund for rewarding worthy state employees, for exceptional service to the state.

61 Report and Recommendations. No later than December 15, 1972, the commission established by section 57 shall report its findings and recommendations to governor and council and the general court, together with any proposed legislation necessary to carry out its recommendations. Interim reports shall be rendered if required by any session of the general court convening before the above date.

62 Appropriation. The sum of one hundred and eighty thousand dollars is hereby appropriated for the purposes of the commission established by section 57 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

63 Salary Adjustment Fund. Amend RSA 99 by inserting after section 4-a the following new section: 99:4-b Certain Legislative Salary Increases. The amount of all salary increases granted to the legislative budget assistant, the director of legislative services, or to any employee of either or both offices shall be a charge against the salary adjustment fund.

64 Changing Effective Date of Authority to Construct Toll Road from Manchester to Hampton and the Appropriation Therefor. Amend RSA 256-C by inserting after section 14 the following new section: 256-C:15 Effective Date of Manchester-Hampton Toll Road. The authorization granted by RSA 256-C:2, IV and the appropriation made therefor by RSA 256-C:6 shall not take effect until July 1, 1973.

65 Limitation on Construction on Route 101. All other laws not withstanding, no federal-aid primary appropriations shall be expended for the construction of any section of Route 101 east of the Auburn project which is currently under construction. Funds now programmed for such purposes are thus released for use elsewhere on the state highway system on a needs basis.

66 Trooper Reimbursed. There is hereby appropriated the sum of four hundred dollars to reimburse Trooper Gerard Remillard for the compromise settlement in the case of Vallee v. Remillard and there is further appropriated the sum of one hundred thirty-seven dollars to reimburse the office of attorney general for expenses connected with the case of Vallee v. Remillard. The governor is authorized to draw his warrants for said sums out of any money in the treasury not otherwise appropriated.

67 Appropriation for Nonpublic School Study Commission. There is hereby appropriated for the purposes of the commission the sum of five hundred dollars. The governor is authorized to draw his warrant for the sum out of any money in the treasury not otherwise appropriated.

68 New Chapter. Amend RSA by inserting after 332-B (supp) the following new chapter:

Chapter 332-C

School of Veterinarian Medicine

332-C:1 Agreement Authorized. The governor is authorized to enter into a contract with the board of trustees of Ohio state university for the purpose of providing veterinary medical education to qualified New Hampshire residents. The contract shall provide for the enrollment of not more than five students for each class year. A sum not to exceed five thousand dollars shall be paid yearly for each student so enrolled.

332-C:2 Enrollment. The dean of agriculture at the university of New Hampshire shall certify to the state comptroller before September 1, 1972 and before September first of each year thereafter the names of those New Hampshire students not exceeding five who have enrolled at Ohio state university and have qualified pursuant to RSA 332-C:3. The state comptroller shall pay to Ohio state university a sum which is the product of five thousand dollars times the number of certified eligible students enrolled under the provisions of this chapter.

332-C:3 Qualification Requirements. Financial assistance under this chapter shall be granted only to those New Hampshire residents who agree to repay the state for such sums as are expended in their behalf. An interest free note for repayment hereunder shall be signed and be enforceable in an action for debt. It shall not be a defense to such action that the recipient was a minor when the note was executed.

332-C:4 Repayment of Funds. The state comptroller shall prepare a note for signature of a recipient hereunder. The note shall be in an amount that equals the amount paid by the state treasurer for their respective enrollment. Repayment of the note shall be made in equal annual installments beginning on the anniversary date of the recipient's graduation date or termination of enrollment, whichever shall first occur. Within a period equal to twice the number of school years of his respective enrollment, plus one year, all installments shall be paid in full to the state comptroller. The comptroller shall reduce any annual installment by one half, providing the recipient has practiced veterinary medicine on a full time basis in New Hampshire during eight of the preceeding twelve months.

332-C:5 Enforcement. The comptroller is authorized to enforce the collection of accounts that become due under the loan provisions of this chapter.

69 Appropriation. There is hereby appropriated the sum of $25,000 for the purposes of RSA 332-C:1 as inserted by section 68 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

70 Appropriation for Committee on Legislator Orientation. There is hereby appropriated for the printing of legislator's manuals the sum of five hundred dollars. The governor is authorized to draw his warrant for the sum, or as much thereof as is necessary, out of any money in the treasury not otherwise appropriated.

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71 Changing Footnote to Allow Transfers Within Debt Service Appropriation to Public Works and Highways. Amend 1971, 557:38, XI by striking out said paragraph and inserting in place thereof the following:

XI Debt service:

Bonds maturing	$5,450,000	$5,450,000
Interest on bonds	970,000	804,200
Interest on temporary financing	300,000	400,000
Total	$6,720,000a	$6,654,200a

72 Acceptance of federal funds. The Commissioner of the Department of Resources and Economic Development is authorized to prepare and submit applications for allocations of Federal funds for Bureau of Outdoor Recreation related programs and subject to the approval of the Governor and Council, the Commissioner may accept funds for these purposes. The Commissioner may cooperate with other State agencies and departments in submitting grant applications and where it is in the best interest of the State, he may include provisions for allocating all or a portion of the Federal funds to be received to other agencies or departments of the State. The approval of the Governor and Council of the acceptance of the Federal grant shall authorize the appropriation and expenditure of the additional Federal funds to be received by any agency or department and the Comptroller is authorized to issue appropriation warrants for these purposes. The Department of Resources and Economic Development and any other agency receiving Federal funds from this source shall keep appropriate records of the amounts received and expended in a manner similar to other budgetary items.

73 Additional Ranks Covered. Amend RSA 99:2, f, (supp), as inserted by 1971, 460:2 by striking out in lines one, two, and three the words "trooper trainees, troopers, corporals, corporal technicians, sergeants, detective sergeants, lieutenants, captains and majors employed by the division of state police" and inserting in place thereof the words (all classified employees of the division of state police who are empowered to make arrests in criminal cases) so that said paragraph as amended shall read as follows: f. The standard workweek for all classified employees of the division of state police who are empowered to make arrests in criminal cases shall be a basic forty hour week. To the annual salary of such employees shall be added compensation equivalent to eight hours per week or four hundred sixteen hours per year.

74 Amend Duties. Amend RSA 8:13 paragraph VII by adding at the end thereof the following: (provided, however, that the director of accounts may approve the utilization of accepted data processing equipment and techniques in the performance of the pre-audit functions;) so that said section shall read as follows:

VII. Pre-audit all claims to be presented for the issuance of warrants and certify to the governor and council that such are just and proper claims against the state and within the appropriations provided by statute; before such certification for payment the director of accounts shall require documentary evidence of the debt in a form sufficient to show that the agency or individuals responsible for contracting the debt (a) had the authority for so doing, (b) had knowledge of the amounts due, except that payments for payroll may be certified for one payroll period in advance, (c) possessed the authority for the approval of the invoice, and (d) in regard to payments for capital improvements had knowledge of the work actually completed; provided, however, that the Director of Accounts may approve the utilization of accepted data processing equipment and techniques in the performance of the pre-audit functions;

75 Providing for Pay Back by Medical Students. Amend RSA 200-A by inserting after Section 6 the following new sections:

200-A:7 Qualification Requirements. Financial assistance under this chapter shall be granted only to those New Hampshire residents who agree to repay the state for such sums as are expended in their behalf. An interest free note for repayment hereunder shall be signed and be enforceable in an action for debt. It shall not be a defense to such action that the recipient was a minor when the note was executed.

200-A:8 Enforcement. The comptroller is authorized to enforce the collection of accounts that become due under the loan provisions of this chapter.

200-A:9 Repayment of Funds by Medical Students. The state comptroller shall prepare a note for signature of any medical student who is a recipient hereunder. The note shall be in an amount that equals the amount paid by the state treasurer for their respective enrollment. Repayment of the note shall be made in equal annual installments beginning on the anniversary date of the recipient's graduation date or termination of enrollment, whichever shall first occur, provided however that if the recipient continues without interruption his medical education and/or his interm requirements said anniversary date shall be the anniversary of the date on which said continued education or internship terminates. Within a period equal to twice the number of school years of his respective enrollment, plus one year, all installments shall be paid in full to the state comptroller. The comptroller shall reduce any annual installment by one half, providing the recipient has practiced medicine on a full time basis in New Hampshire during eight of the preceeding twelve months.

200-A:10 Prospective Application of Repayment Provisions. The provisions of RSA 200-A:7 and 8 shall apply only to recipients whose enrollment in medical school commenced in 1972 or any year thereafter.

Any recipient under the provisions of this chapter whose enrollment in medical school commenced prior to 1972 may voluntarily make repayment to the state of all or any part of the funds paid by the state in his behalf.

76 Distribution of Permanent Journals. Amend RSA 20:3 as amended by striking out said section and inserting in place thereof the following: 20:3 Journals. The clerks of the senate and house of representatives shall cause to be printed in pamphlet form at the close of each legislative day twelve hundred copies of the journals of their respective bodies, and shall cause one copy of each to be distributed to each member of those bodies before the beginning of the session on the next legislative day. Twenty-five of such copies shall be delivered to the state library each day. At the close of the legislative session additional copies of such journals may be printed in such form and quantity as the secretary of state, with the approval of the governor and council, may direct. He shall distribute without charge as many copies of the same as are requested to the state library, the attorney general, the speaker of the house, the president of the senate, the legislative budget assistant, and the director of legislative service; all other copies of the same shall be sold by him at a price to be established by governor and council. As soon as possible after final adjournment of a session of the general court and in any case consistently with the schedule of performance set forth in contracts for printing and binding of session laws and journals of the general court, the law librarian of the state library shall prepare and furnish the secretary of state with complete indices of the journals of proceedings of the senate and of the house of representatives during the session.

77 Appropriation. There is hereby appropriated to the office of the governor for current expenses for fiscal 1972 the sum of three thousand dollars and for fiscal 1973 the sum of seven thousand dollars. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

78 Authorizing State Appropriations to Pay Assigned Federal Employees. Amend RSA chapter 98-B by inserting after section 3 the following new section: 98-B3-a Authority to Compensate Employees Received Under Intergovernmental Personnel Act. Funds appropriated for compensation of a position which is unfilled in any department, agency or instrumentality of the state may be used as full or partial compensation of any employee assigned to it as a receiving agency under title IV of the Intergovernmental Personnel Act of 1970, 5 U.S.C. sections 3371 - 3376 as may be from time to time amended. However, no such funds may be used to compensate such an employee in a position other than the unfilled position without the consent of the fiscal committee of the general court and, in the case of a receiving agency of the executive branch, without the consent of the governor and council.

79 Transfer of Certain Assigned Federal Employees. Amend RSA chapter 98-D by adding after section 6 the following new section: 98-D:7 Transfer of Intergovernmental Personnel Act Employees. Any employee assigned from the federal government under the terms of Title IV of the Intergovernmental Personnel Act of 1970, 5 U.S.C. sections 3371 - 3376 as may be from time to time amended, may be transferred between any office, department, commission, board of institution of the executive branch, or between branches, in accordance with the provisions of this section. Officials may enter agreements for such transfers, with the consent of the fiscal committee of the general court and, in cases where an official in the executive branch is a party to such agreement, with the consent of the governor and council. Such transferred employee shall for all purposes except supervision remain an employee of the transferor office.

80 Accreditation to be Sought. Amend RSA 188-A, as amended, by inserting after section 6 the following: 188-A:6-a Accreditation. The Technical Institute and Vocational-Technical Colleges are authorized to seek accreditation and maintain membership in the regional accrediting association as rapidly as possible, within available appropriations, to satisfy the requirements necessary to achieve and maintain regional accreditation and meet the requirements necessary for federal aid. Each individual program of study offered should be such as to meet all of the requirements for professional accreditation and/or licensing of the particular specialty as a vocational technical college.

81 Transfer of Funds From Division of Welfare to Vocational Rehabilitation. Amend 1971, 557:25, VII, (a), (6), (C) by striking out the lines reading " Medical psychiatric treatment other than title XIX
150,000 150,000 " and " Less estimated federal funds
218,000 218,000 " and " Net appropriation 202,000
202,000 " and inserting in place thereof the following lines:

(Medical psychiatric treatment other than title XIX	118,978	150,000)	and
(Less estimated federal funds	201,720	218,000)	and
(Net appropriation	$187,258	$202,000)	and

further amend 1971, 557 by inserting after 557:19, XX, (h) the following new paragraph:

(i) Public assistance expansion grant:	1972	
Personal services:		
Other	$ 47,976	
Current expenses	2,742	
Travel:		
In state	3,000	
Equipment	5,558	
Other expenditures:		
Employees' benefits	4,798	
Case services	58,015	
Total	$122,089	
Less, estimated federal funds	107,347	
Net appropriation		$14,742

82 Reinstatement of Dissolved Corporation. Lancaster Footwear Corporation (formerly Modern Heel Company, Inc., Lancaster, 1955) may, within ninety days after the effective date of this section, reinstate itself as a corporation by the payment of any fees in arrears, including any taxes, penalties and interest due under RSA 77-A and/or RSA 77-B, and the filing with the secretary of state of all annual returns required by law together with payment of all fees and penalties and a statement under oath, signed by the clerk or secretary of such corporation, that it desires that its charter or certificate of incorporation shall remain in full force and effect.

83 Certain Firat Year Appropriation to Division of Welfare Extended Through the Biennium. Amend 1971, 557:25, VII (a) (3) by striking out the line reading:

"Public assistance systems development and data processing costs	204,444a	111,756a"

and inserting the following:

(Public assistance systems development and data processing costs	204,444g	111,756a)

84 Making Appropriation for Law Enforcement Manuals Non-lapsing for the Biennium. Amend 1971, 557:10, 1 by striking out the line reading "Law enforcement manual 2,000" and inserting in place thereof the following: (Law enforcement manual 2,000f).

85 Correction of Footnote. Amend 1971, 557:49, IV by striking out the following lines: "Current expenses:

Food	111,500a	121,500a
Other	47,500co	47,500co"

and inserting in place thereof the lines:

(Current expenses:

Food	111,500co	121,500co
Other	47,500	47,500)

86 Footnote Amended. Amend 1971, 557:75 by striking out the footnote lettered co. and inserting in place thereof the following:

co. In this appropriation in 1972 $22,000 and in 1973 $22,500 shall be for products used from the institution's farm, and no part of this amount shall be transferred or expended for any other purpose. The institution's farm shall receive credit for all products used even though in excess of $22,000 for 1972 and $22,500 for 1973.

87 New Footnote to Allow Travel Expenses and Part-time Labor as a Proper Charge Against Appropriations For Major Repairs. Amend 1971, 557:75 by inserting after footnote cy. the following new footnote:

cz. Travel expenses and part-time labor, incidental to major repair projects, may be considered as a proper charge against this appropriation.

88 Insertion of Footnote. Amend 1971, 557:43, III (b) by striking out the line: "Major repairs 30,000 30,000" and inserting in place thereof the following:

(Major repairs 30,000cz 30,000cz) and

Amend 1971, 557:43, III, (c) by striking out the line: "Major repairs 30,000 30,000" and inserting in place thereof the following:

(Major repairs 30,000cz 30,000cz).

89 Relative to Distribution of Permanent Journals to Members of the Legislature. Amend 1971, 557:75, cm by striking out said footnote and inserting in place thereof the following: cm. This appropriation shall not lapse until June, 1973, shall be used for this purpose only, and may not be transferred. In the event the appropriation is insufficient to pay for items for which it is appropriated, the additional funds needed shall be transferred at the request of the President of the Senate and Speaker of the House, with the approval of the Fiscal Committee, from funds available in the Legislative Appropriation. The permanent journals of the House and Senate shall be distributed free of charge upon request to any member thereof.

90 Appropriations Extended. Amend 1969, 505 by inserting after section 1 the following new section: 505:1-a Appropriations Extended. Notwithstanding the provisions of RSA 9:18 the appropriations made by section 1, XV, (a) (5) and (b) and (c) of this act shall be available for expenditure until June 30, 1973.

91 Correction of Totals. The legislative budget assistant is authorized and directed to make such corrections of totals and subtotals appearing in Laws of 1971, 557 and 581 needed to reflect the amendments thereto made by this act.

92 Footnote Amended. Amend 1971, 557:75, dk by striking out said footnote and inserting in place thereof the following:

dk. This appropriation shall be used to hire special counsel and technical expert for the sole purpose of protecting the interests of the state in connection with the abandonment of rail lines by the Boston and Maine corporation, and shall not lapse until June 30, 1973.

93 Board of Education. There is hereby appropriated to:

Board of Education:	1973
Aids to districts:	
Child benefit service aid--dual enrollment	$300,000

94 Agriculture. There is hereby appropriated to:

Agriculture:	1972	1973
Bureau of weights and measures:		
Personal services:		
Permanent	$1,486	$6,300
Travel:		
In state	300	700
Equipment	650	---
Total	$2,436	$7,000

95 Correction of Footnote. Amend 1971, 557:19, XX, (e) by striking out the lines that read:

"Total	$788,580	$795,551 "
"Less estimated federal funds	630,864y	636,441y" and

inserting in place thereof the following:

(Total	$788,580y	$795,551y
Less estimated federal funds	630,864	636,441)

96 Footnote Amended. Amend 1971, 557:75, cb by striking out said footnote and inserting in place thereof the following:

cb. Working hours of individual store employees shall be so assigned as to most effectively, efficiently and economically provide for adequate customer service requirements in each store within the limits of funds appropriated herein; provided however that these provisions shall not permit sales on Sunday or on holidays that are prohibited by statute.

97 Effective Date. This act shall take effect as follows:

I. Upon passage: sections 1 through 53 inclusive, 55 through 75 inclusive, and 77 through 96 inclusive;

II. On August 18, 1972; section 54

III. On January 1, 1973; section 76

Roger A. Smith

Stephen W. Smith

Harry V. Spanos

Conferees on the Part of the Senate

Arthur M. Drake

Edna B. Weeks

Sumner W. Raymond

Agenor Belcourt

Charles L. McGinness

Conferees on the Part of the House

Sen. R. SMITH: We present for your consideration today the Conference Comittee Report on HB 43. It pleases me to be able to stand here and say that the Conference Committee Report contains, I think, every item that the Senate Finance Committee inserted into HB 43 and for which this body itself voted and approved last week. The $700,000 for the school construction aid is still in there. The $300,000 for dual enrollment is still in there. The money for the Office of State Planning is there. Additional personnel for the Department of Safety is still there. The money for the State Council on Aging is still in there. The $30,000 for the control of acquatic nuisances is still in there. Salary increases for unclassified personnel are still in there. The money for Public Health is still there. The additional funds for community mental health clinics are still in there. These are all items that were inserted by the Senate Finance Committee and approved by this body.

We had a very agreeable Committee of Conference, although we worked under pressure and under the gun because we thought we were faced with a Friday deadline. We stayed until 2 o'clock in the morning to finish this and I commend the members who did work on this. I hope that this Senate will be very reasonable today in its deliberations. This is the last day of the Special Session — the 15th day.

Now, a Committee of Conference Report, at best, is a compromise between two houses. It is not solely the responsibility of one body to make changes when changes are suggested. We also have a problem over in the House, I believe. I fear that, if we do not adopt this package today and if other changes are suggested, we will not finish in time. I know you say we could recess until tomorrow, but I doubt strongly whether the House would be able to muster a quorum tomorrow if we were not able to reach agreement on this.

I urge your adoption, at this time, of the Conference Committee Report and I will try to answer questions and others will also speak on this.

Sen. MORRISSETTE: What are they going to do with the money — how many jobs will be created? Is it permissible, after we vote on this budget, to go to these various departments and ask them to explain some of these expenditures. What is the policy?

Sen. R. SMITH: I think you are entitled to any answer you desire for any question you ask any department. I think that you are entitled to an answer to the question and I would hope you would seek out the knowledge.

Sen. MORRISSETTE: In reference to giving the raises to unclassified employees, are people like the head of the Safety Department classified?

Sen. R. SMITH: They are unclassified and they would receive the salary increases granted to unclassified employees.

Sen. MORRISSETTE: These people just received some very substantial increases and promotions. Do you feel it is justified to give them additional increases?

Sen. R. SMITH: It was the feeling of the Committee that the only way to grant an increase at this time was to grant the percentage increase to all, as we did. We felt that we did not have the time to go into the whole section of unclassified and weed out all of the inequities that exist. There are inequities. I would hope at the next regular session that a good bill comes in to correct these inequities. We felt we could not, at this time, be selective in granting these raises.

Sen. MORRISSETTE: Regarding Welfare, at the beginning of the year last session we awarded the Welfare Department an amount that even exceeded the recommendations of Governor Peterson. I notice some very worthwhile areas like old age, the need for the blind, etc. which total $147,000. Does the Welfare Commissioner have authority to take money that we appropriated in the last session for these specific purposes like old age, or the blind and use it for Aid to Dependent Children and then request this money? Is this why they need this money because they transfer funds around from this area into Aid to Dependent Children?

Sen. R. SMITH: This money in these 4 categories — this is money for increases to nursing homes for care of patients. It amounts to an increase of 50c a day in some instances and $1.00 per day in other instances, depending on the type of care that institution is offering to these patients.

Sen. MORRISSETTE: Have they requested additional positions like on page 14 — $41,000. It looks like a couple of new positions.

Sen. R. SMITH: Are you in the area of Welfare?

Sen. MORRISSETTE: Yes, on page 43. Generally speaking, have they requested additional positions?

Sen. R. SMITH: There are additional positions being granted in Welfare. I have the breakdown — there are 100 positions in Health & Welfare.

Sen. MORRISSETTE: On page 17, footnote af— what does that mean in layman's language about counties and towns reimbursing the state?

Sen. R. SMITH: This is a provision that has been in here for quite a number of years. What it provides for is that the state pays for the local share under these programs. It means that the locals reimburse the state for the money that the state put out.

Sen. MORRISSETTE: This will not add a new burden to the local communities?

Sen. R. SMITH: No.

Sen. MORRISSETTE: The Highway Funds on page 20 — this will not come out of the General Funds will it?

Sen. R. SMITH: No.

Sen. MORRISSETTE: Do you know the total of jobs created in the total budget?

Sen. R. SMITH: 198.

Sen. MORRISSETTE: On page 35, Item 43 under additional attorneys general — is this additional jobs in addition to the 2 that we went along with for pollution problems? It increases the number from 10 to 14.

Sen. R. SMITH: There are 3 additional attorneys — 1 in the Administrative and General Services Department; 1 in the Division of Criminal Justice; and 1 in the newly created Environmental Protection Division.

Sen. MORRISSETTE: The 32 positions in Safety is that mostly police officers?

Sen. R. SMITH: There are 2 Clerk-Typists No. 2; 1 Account Clerk; 1 Mail Clerk; 2 Key Punch Operators in the Office

of the Commissioner. In the Division of Motor Vehicles, there are 2 Clerk-Typists; 3 Counter Clerks; 2 Hearing Officers; and 2 Clerks No. 2. In the Road Toll Section, there are 3 Road Toll Auditors and 1 Clerk Typist. In the Division of State Police, there are 4 Detective Corporals in the Criminal Intelligence Bureau and 1 Clerk-Steno in the Detective Bureau; 8 Trooper Trainees in the Traffic Bureau for a total of 32. I will provide these breakdowns for you Senator, if you wish. It is available to anyone.

Sen. MORRISSETTE: In Welfare — 55 positions — will they be able to do a better job with all these people taking advantage of welfare?

Sen. R. SMITH: Yes.

Sen. FERDINANDO: Do I understand that Welfare will be getting $900,000?

Sen. R. SMITH: The $900,000 to which you refer is a total. A great part of this is made up of federal funds.

Sen. FERDINANDO: The State's contribution would be —

Sen. R. SMITH: $343,000.

Sen. FERDINANDO: Am I correct in understanding that there are 55 new positions in Welfare?

Sen. R. SMITH: Out of the 100 total — 55 are in Welfare.

Sen. FERDINANDO: There are 100 new positions?

Sen. R. SMITH: That is correct.

Sen. FERDINANDO: Welfare has 55 of the 100 new positions?

Sen. R. SMITH: That is correct.

Sen. JACOBSON: On page 10, I have 2 questions. I believed from conversations with you that there would be a footnote saying that amount — $450,592 should go only for the purpose of reducing tuition. I can't find that footnote. I would be glad to have you indicate that to me. The second part of the question is the second paragraph in Footnote bf. I read in the newspapers that the amount has been set at $2,150. Is that the actual cost including debt service but excluding self-liquidating bonds?

Sen. R. SMITH: In answer to the first part, that particular footnote is not in here, but the people who testified from the University in regard to this are on record as saying this is what the funds would be applied to.

The second part of your question in regard to the out-of-state tuition — was your question what is the out-of-state tuition at this time?

Sen. JACOBSON: My question was, I read in the newspapers it had been set at $2,150 for next year. Is that the actual cost per student, including debt service, but excluding self-liquidating bonds as it states in the footnote?

Sen. R. SMITH: If that is the cost that the University has determined in accordance with this footnote, the answer would be yes, if they are following the law as we have written them. This is not a new footnote.

Sen. JACOBSON: The Senate Finance Committee did not determine that by calculation?

Sen. R. SMITH: No.

Sen. JACOBSON: I have a question with regard to the footnote — was it the Senate Finance Committee's intention to have it as a footnote on the $50 or not?

Sen. R. SMITH: I think the answer to that would be no. I don't think the specific motion was made to add that footnote to the Senate version of the budget.

Sen. JACOBSON: On Page 38, under Footnote 48, I am not sure I understand that. Can you give a short explanation.

Sen. R. SMITH: I am not completely familiar with this particular section because it was not inserted by the Conference Committee and it was not inserted by the Senate Finance Committee either. As I have had it explained to me, it gives the Commissioner authority to encumber funds in a future year, not more than a year ahead of time for highway purposes.

Sen. JACOBSON: Could you tell me the significance of that?

Sen. R. SMITH: I think the significance would be this. If they find there is money available in Washington next year, it gives the Highway Commissioner the authority to say, "yes we

have funds in New Hampshire to match this and we can use it" so that the money can be reserved for New Hampshire.

Sen. JACOBSON: On page 40, under Footnote 58, which is the Personnel Study, in II, there is an interesting sentence that says "Subject to the governor's approval," this Commission can "hire, employ, or contract with any person or persons." Is the Governor the only one to determine this?

Sen. R. SMITH: As I read the section, it will be duty of the Commission to make this determination, but in this particular area it will be subject to the Governor's approval.

Sen. JACOBSON: As I read that sentence, the persons hired by the Commission as consultants, etc. would, first of all, have to be approved by the Governor.

Sen. R. SMITH: Yes.

Sen. JACOBSON: Is there any place else this happens in our procedures with regard to the State?

Sen. R. SMITH: At this point, I don't know. I would have to inquire myself. I am sure there probably is.

Sen. JACOBSON: On page 41, Footnotes 64 and 65 — do they represent a change from the Senate position as it came from the Senate?

Sen. R. SMITH: Footnote 65 is newly inserted by the Conference Committee.

Sen. JACOBSON: It is a significant change then?

Sen. R. SMITH: Yes.

Sen. JACOBSON: Are there any other changes or additions that have been made?

Sen. R. SMITH: There are no other significant changes I know of that were made. We made minor adjustments in personnel but that was all.

Sen. JACOBSON: I call your attention to page 44, Footnote 80. Was this a change or addition?

Sen. R. SMITH: By the Conference Committee?

Sen. JACOBSON: Yes.

Sen. R. SMITH: Yes, there is something new.

Sen. JACOBSON: On page 45, is Footnote 82 something new?

Sen. R. SMITH: Yes.

Sen. JACOBSON: So, there are new facts that are in here that you did not mention earlier?

Sen. R. SMITH: There are changes, yes, that I did not mention because I did not consider them significant in some cases and because my memory failed me in other cases.

Sen. JACOBSON: Could you explain Footnote 82 to me?

Sen. R. SMITH: This concerns a corporation in the Town of Lancaster that had been dissolved automatically by the Secretary of State. This reinstates the corporation in order that it may be sold and become a going business again.

Sen. JACOBSON: Was Footnote 82 proposed by the House or Senate?

Sen. R. SMITH: Proposed by the House.

Sen. JACOBSON: Was Footnote 80 proposed by the House or by the Senate?

Sen. R. SMITH: If my recollection serves me right, Footnote 80 was proposed by the House.

Sen. KOROMILAS: With respect to the amounts of money in this particular budget, how much is the state going to give the cities and towns in terms of school aid, foundation aid, etc. which was short funded in the last session?

Sen. R. SMITH: Off the top of my head, I think approximately $1.3 million. It may be a little more.

Sen. KOROMILAS: Assuming, as I must from the footnote on Page 10, if the Trustees decide to increase the tuition and did not reduce the tuition by $50, what could we do without a footnote in the bill prohibiting them from doing that? Is there anything in the budget that would limit the Trustees to reducing the tuition by $50 per student? Is there anything in this budget or this Conference Committee Report that would bind the Trustees to reducing the tuition of the student at the University of New Hampshire?

Sen. R. SMITH: As we read the budget here, I do not

think there is, but I think the legislative intent is there. I think the legislative intent is to commit this amount of money for the tuition decrease they have outlined to us and they are on record as saying that. I think the legislative intent could be clearly established if they did not do this or were to attempt not to do it.

Sen. KOROMILAS: I notice there is a new postion created in the Eminent Domain Commission. It calls for a salary for a special attorney of $30,000. Why $30,000 when the Attorney General gets much less?

Sen. R. SMITH: This is not a new postion; this is an allocation of funds in the amount of $30,000 from Highway Funds into the Attorney General's budget to hire competent outside counsel to handle the eminent domain cases that he has because he has lost his most able eminent domain lawyer. It is not a position. It is money to hire.

Sen. KOROMILAS: On page 29, there is a Footnote ca. This footnote appears in many other places in the budget. Would you explain that to us.

Sen. R. SMITH: I think what it says in essence is that the funds can be used for data processing purposes and for no other purpose and, before using, they shall have the approval of the Director of Data Processing.

Sen. KOROMILAS: On page 29, are those figures or amounts in addition to what was appropriated for centralized data processing last session?

Sen. R. SMITH: The answer to that, I believe, is yes.

Sen. KOROMILAS: Could you tell us what the additional increase is to centralized data processing. I know it is in various sections. What is the aggregate amount for data processing in addition to what was appropriated last regular session?

Sen. R. SMITH: I think perhaps $60,000 or $75,000. It is in 3 areas — Treasury, Administration & Control and this one here. I think these are the only 3.

Sen. KOROMILAS: On page 37, the salary of the Director of the Business Profits Tax, I note that his salary with reference to the others has been increased by actually $5,670. I am talking about minimum and maximum. Could you tell me why the bigger spread in that particular job as opposed to the others which are roughly $2,000 or $3,000?

Sen. R. SMITH: I would only state this spread was created when that particular job was created back in the last Special Session. Other than that, I can't answer your question. This was by no action of the Conference Committee.

Sen. KOROMILAS: Is that spread also true with respect to the position of Director of Data Processing? Is that the same type of background as with respect to the business profits tax? Was that also established at that rate prior to this particular bill?

Sen. R. SMITH: Correct. To the best of my knowledge.

Sen. KOROMILAS: On pages 40 and 41 with respect to the Management Study Commission — Footnote 57 to be exact — is it true to say that the President of the Senate and the Speaker of the House shall have the right to appoint 2 people each who are not necessarily members of the Legislature?

Sen. R. SMITH: It does not say they shall be members of the Legislature, but I would assume that the intent would be they be members of the Legislature.

Sen. KOROMILAS: Your answer is yes, they are limited to members of the Legislature? That is to say the President of the Senate and the Speaker of the House must appoint two people — 2 from the House and 2 from the Senate, respectively?

Sen. R. SMITH: I would think this has been traditional and I would have to answer yes.

Sen. KOROMILAS: I notice there is an appropriation for this particular Management Study Commission. As I read it, the appropriation is for $180,000. Is that correct?

Sen. R. SMITH: Correct.

Sen. KOROMILAS: That report will have to come in December 15, 1972?

Sen. R. SMITH: I believe so.

Sen. KOROMILAS: What is this particular group or Commission going to do that Macro did not do?

Sen. R. SMITH: I cannot answer that because I am not sure what Macro was charged with doing. My only answer is they will do what is enumerated in here. I cannot relate it to Macro.

Sen. KOROMILAS: You are familiar with what Macro did?

Sen. R. SMITH: I am familiar with what you are referring to, yes.

Sen. KOROMILAS: Wasn't Macro an organization appointed under the Governor's special committee to investigate about 2 years ago?

Sen. R. SMITH: I believe so.

Sen. KOROMILAS: On Page 43, Footnote 73 — would you explain that footnote for us?

Sen. R. SMITH: It is my understanding that certain positions within the State Police are not enumerated in the section of law that sets up the overtime pay for State Police. State Police have a certain amount of overtime pay built into their salaries, but that delineates this does not mention certain of these positions because the positions have come about after that law was written. This is an attempt to insert all the proper positions in there that are qualified for the overtime pay.

Sen. KOROMILAS: There is a provision in the budget that has to do with retaining counsel to protect the interest of the state with respect to the railroads. Is there any limit on this particular expenditure in the budget? It is a footnote.

Sen. R. SMITH: Footnote 92 — the Attorney General would be limited to whatever appropriation was made in the 1971 law for that purpose.

Sen. KOROMILAS: There is a reduction in the medical services by $400,000. Why were the medical services reduced by $400,000 and where did the money go?

Sen. R. SMITH: This was an amount of money for fiscal 1972 that the Commissioner of Health & Welfare has said he will not be able to spend. What, in effect, has happened is it is being absorbed and being used for other purposes, but it is money that they claim they would be unable to spend in 1972.

Sen. KOROMILAS: I have been receiving a great deal of mail with respect to a position or positions with respect to plan-

ning and I am sure you have as well. Could you explain that problem to me? What are the issues; what is intended?

Sen. R. SMITH: I think that this issue was pretty thoroughly discussed when the Senate budget went across this floor. I am sure you are well aware of what some of the issues are and I think you will make your decision on the evidence that has been presented to you.

Sen. KOROMILAS: There are two sides to the question, I am sure, like anything else. Which side do you favor — Mr. Taft's or the other?

Sen. R. SMITH: I would say that the Senate Finance Committee and the Conference Committee on the budget favored the so-called Taft side.

Sen. JACOBSON: I rise in opposition to the Report before us. I do that reluctantly because there are many goods things in this budget. However, I am deeply disturbed by Footnote 80 being include din this budget. You will recall that this was HB 9. When HB 9 came into the Senate, it became clear that an accreditation program could lead to a junior college system *de facto.*

In that knowledge, the Senate added an amendment which limited the matter of establishing a junior college to legislative approval. I want you to know that if a thorough going accreditation program were to take place, we could possibly be spending $6 million or $7 million more. It was for this reason that I brought an amendment to the Senate floor to place that restraint and it passed. The House non-concurred and we set up a Committee of Conference on HB 9 and you can see it in your *Calendar* for today. After that Committee was set up, I received from the Deputy Speaker of the House a Committee of Conference Report completely typed out and was asked to sign it. I said, "I cannot sign it until we have had an opportunity to sit down and discuss it." He said, "Well, there is no time to discuss." The next day Mrs. Dunham of the House Education Committee came to me and said, "What are we going to do with HB 9?" I said, "I am perfectly willing to sit down and discuss it." She said, "So am I." She went away and I heard nothing further from her.

I was also appointed to the Committee of Conference on

HB 42, as was the Deputy Speaker. We met on Tuesday, it was an all day session and there was a 10 or 15 minute break at about 3 o'clock, so I said to the Deputy Speaker, "Why don't we take a few minutes to discuss HB 9 and HJR 5 for which a Committee of Conference was set up in the House and we did not set one up here as yet." I said, "I am ready to have some kind of compromise and let's discuss it." He said, "I have no further interest in HB 9. I do not think it is very important and we can wait until the next session of the Legislature." Now this is Tuesday afternoon and this had already been a fait accompli on Monday. He further went on to say that he would have nothing to do with any Committee of Conference on HJR 5 and I said, "O. K., if that's the way it is, then let it go by the board."

I picked up my copies of this as I went home Tuesday and had no opportunity to read it on Tuesday because of a Water Precinct Meeting. Wednesday evening — last evening — I sat down reading it through while watching "Harvey" at the same time. Suddenly my eye fell on Footnote 80. I must say, in all candor, this is a deliberate effort to conceal and to defeat the purposes of the legislative processes. I am deeply saddened by this kind of action. There are many things in this bill I want and which I believe are needful for the State. But, I cannot vote for this bill as a matter of conscience. It makes no difference to me if I am the only one who votes against this Report because I cannot accept this kind of effort and, if the motion to concur does not make it, I am going to move to non-concur and set up a new Committee of Conference and I am hopeful they will then take that out. I don't think they need a great deal of time to take that out and I will be willing to sit down and talk about HB 9 and HJR 5 to come to what I consider compromise. Compromise in the legislative sense is the essence of the matter, but I cannot accept what I consider a deliberate effort to conceal and distort the legislative process.

Sen. ENGLISH: I would like to add a few words at this point. This Footnote 80 just came to my attention this morning. In all the time I have been here, I have seen quite a few strange things happen. I think Sen. Jacobson has outlined very clearly the nature of this, the source from which it came and the fact it was a distinct and deliberate effort to put something in which, hopefully, would not be noticed and which there would not be time to discuss.

Involved in this, and I am in a sense repeating, is the question of accreditation of these technical schools which involves a lot of money. The amount of money is anyone's guess, but it is a rule of thumb that in order to have accreditation, a library of a half a million dollars and lab facilities of a similar amount are needed. This would be needed by each one of the institutions. They would have to be staffed. In seeking accreditation and approving the seeking of accreditation, without the limitation which was placed on this bill in the Senate, is opening the Legislature to, in a sense, approving a very large future expenditure. I think we want to know what we are doing. There are a lot of questions involved in this; among other things, the question of policy — what does the Legislature want in connection with the policy of these institutions? I do not know. But this means of sneaking it through without any change to discuss it is one of the problems that I have had over the years as Chairman of the Education Committee — no opportunity to discuss any phase of it because it appears from their attitude that we aren't competent, mentally or otherwise, to rule on matters so important as education. And we can either accept it or not accept it. In this particular case, the Senate, I think, made it very clear they thought that any policy of committing the State in the future to a large expenditure should be a matter that was discussed. It is perfectly clear to me, and I think possibly to other members of the Senate here present, this was an attempt to get this through without any adequate discussion of a matter of vast import to the future. And I repeat, I think, as Sen. Jacobson said, it is not that I am opposed to this future course; I am opposed to it being done without the Legislature knowing what they are doing and placing ourselves in the situation at a later time of shortchanging education because we approved something being done and then we refused to fund it. You all know what has happened in other cases.

So, I support the position of Sen. Jacobson. This is the only portion of this budget bill with which I am particularly concerned, although there are other questions which could come up. I believe we can get this thing straightened out. I believe we should get it straightened out because the legislative process and its relation to education is deeply involved.

Sen. KOROMILAS: If I may use language that is not as diplomatic, would you say this footnote 80 was more a matter of jamming it through rather than sneaking it through?

Sen. ENGLISH: Subterfuge.

Sen. LEONARD: I rise in Support of Sen. Jacobson's position and also Sen. English's position. I was on the Committee of Conference for HB 9 for about 2 weeks and I never heard of a meeting. No one spoke to me about it. I think the Senate is known for sending riders over to the House, which doesn't particularly bother me, but this method of having a bill passed really does. I would hope that someone would move to table this to give us time to confer with members of the House and take care of this item. I think the rules of procedure are so limited here that is the only way we can do something about Footnote 80.

Sen. NIXON: Sen. Jacobson, you may recall that we were on different sides of the issue you just now discussed the other day when it was here on its merits. I am, however, in sympathy with your attitude at the present time. Is there not some vehicle by which an effective remedy could be accomplished in regard to this subject other than the operating budget supplement to the appropriations by which we have before us at this time?

Sen. JACOBSON: If I take what you mean is we should pass this over and find some other Committee of Conference Report, we come back to exactly the same problem as we have now with HJR 5 and that is one person is holding it up and can continue to hold it up so that nothing can be accomplished.

Sen. NIXON: As I stated, I am in sympathy with the position you have taken today. Do you think, however, that sympathy and the justice and the significance of the particular issue you have discussed warrant jeopardizing the rest of the operating budget, having in mind that it contains provisions for dual enrollment funding; the employees' pay raise which is about 4 years overdue; an appropriation which will allow the continuance of the crippled children program; additional state troopers and detectives; environmental protection division; and other worthy sections?

Sen. JACOBSON: If I interpret your question correctly, I believe the persons who were responsible for putting in Footnote 80 were well aware of this and thought these very important things would weigh so heavily, at least in theory, this would allow it to pass. I agree with you there are very important things in here, but I also believe at this time of day, which is 12:15,

the Committee of Conference can reconvene, take this out and we can be on our way so far as I am concerned. I don't know. Maybe others have other objections.

Sen. MORRISSETTE: In reference to these footnotes which are quite disturbing, you were present at the hearing with Sen. English when I think it was the President or Assistant to the President of the University of New Hampshire testified that the actual cost of the out-of-state student was $3,800. How did this work so far as this budget is concerned? In the future, will they raise the tuition to $3,800 to abide by this footnote?

Sen. JACOBSON: If you are referring to Footnote bs as under the appropriation for the University, I would assume if that were the cost, as he indicated at that meeting, that would have to be the tuition according to the footnote.

Sen. SPANOS: I rise in favor of the Motion to concur. I was a member of the Committee of Conference and, very frankly, I think that the Committee of Conference did a marvelous job in compromising and evolving the bill which is before you now.

I think it is incumbent upon me at this time to try to explain to some degree to Senators Jacobson and English what did transpire relative to Footnote 80. After we had completed the full budget, we then took up certain footnotes. One of the footnotes which came into "existence" at that time, was this one here. No one can say truthfully from where it emanated, but I would say it was a House footnote. The issue was raised as to the necessity of it, in view of the fact that many of us certainly remembered the debate that took place that day on this floor. We were informed that without this footnote — unless this law is provided — the vocational-technical schools would not be able to have, or receive, federal assistance. Someone queried someone else in the Committee of Conference — and I could not say who — as to the status of HB 9 and someone said, "The bill is dead." I don't know to whom I can attribute that, but someone did say that the bill was dead. We thought there was significant merit to the fact this footnote would mean the difference between qualifying for federal assistance or not qualifying and we did put in the footnote — not knowing the by-play between Sen. Jacobson or the members of the House.

As a matter of fact, we were not even certain of the status of HB 9, but we did remember the debate relative to whether or not this bill would allow accreditation of junior colleges and we did insist upon language that we think covers the matter — that they can accredited only as vocational-technical colleges — and that is in the fotnote. That is how this matter was evolved by the Committee of Conference and that is why the footnote is before you; certainly not in any effort at subterfuge, but an effort, actually, to attempt to resolve a matter which we thought important — making it possible for the vocational-technical colleges of our state to receive federal aid. Whether or not we were sold a bill of goods on that issue is something I cannot tell you. I took the testimony at its face value. Then I thought we took care of Sen. Jacobson's position that he was worried this might precipitate a mass rush to make these technical colleges junior colleges. We felt we were adding a law which would aid our vocational-technical colleges in securing federal funds.

Now, I would like, for a moment, to get back to other matters of some significance. I know that the issue of subterfuge, which is being raised now, comes about in every session — the supposed "sneaky petes" and what have you — but it is not unusual in the legislative process to put in bills that have had no public hearings whatsoever, some bills which were heard and defeated, other bills that came up in the last session and are coming up now. And I don't even have to turn very far to find you such a document. HB 42 is what we call the "omnibus bill." If you look at HB 42, you will find in it matters I don't think I heard during this session and others which I heard and thought were defeated. If you look carefully at HB 42, I think you will find a compilation or group of laws with which I don't think many of us had anything to do. For instance, I don't recall anything whatsoever about inventory blanks. I do not recall anything about postponement of hearings on bonding. I don't recall a majority vote runoff for the City of Nashua. I don't recall anything about the duties of the Secretary of the Tax Commission, federal funds for the Pierce Manse, laws on Chief of Police, eliminating double taxation of joint ventures and partnerships on the business profits, election of school district officers. Here is one I do recall the debate on and that is human rights in the Soviet Union. I think the Senate passed that bill; the House did not pass it; it came back in here; there was some debate; and now it is part of HB 42. I am not trying to call the kettle black

in any way; all I am trying to say is this does fall within the process and it is done constantly. Those who would get up and say that something unusual has occurred — something that is a "sneaky pete" — should have a little reservation to some degree about the process. That is all I am trying to say.

Finally, I would like to say to this Senate Chamber that, unless you have a unicameral legislature, there has to be give and take for a Committee of Conference Report and I think that the Senate conferees came out of this very well. You heard the Chairman of the Finance Committee indicate what we managed to hold what was put in by the Senate and I would say, categorically, that probably about 90% or 95% of that which we put in, stayed in.

A few of the things he did not mention were: we did hold the unclassified salary bill, which we tacked on in this Chamber; we did hold the funding for the Commission on the Status of Women at a time now when the United States Senate has adopted that Constitutional Amendment which will come to us for ratification; we did hold onto at least 3 state police trainees and 1 detective; we held the funds on aid to handicapped children; aid to the community mental health clinics; aid to the mentally retarded clinics. We also added funds to provide for the Revised Statutes Annotated. They would not have been printed unless the funds were put in there and those funds were added. Funds for the Supreme Court to print its law reports were added. Almost any number of things went in and were held by the Senate Conferees. That being the case, and taking it into consideration, I am a little disturbed that if we start to amend this Conference Report at this time in the area of what Sen. Jacobson may like to have done, then I am sure there will be others because not all of you, I know, agree with the Conference Committee's recommendations to you. I am positive of that and I am sure there will be others who will ask for other changes. And I think once you do that, you put the whole Conference Report in jeopardy in this Chamber and certainly in the other. So, I urge you to support the Committee Report, not because you like it completely, but because it is the best that could be done under all the circumstances.

Sen. JACOBSON: You mentioned that the Report came into the Committee of Conference on Footnote 80. Could you tell us who brought in that report?

Sen. SPANOS: As I alluded before, when I made my presentation, I cannot recall from whence it came, although I do know it was a House member of the Committee of Conference who did because none of these amendments which we are now considering emanated from any member of the Senate.

Sen. JACOBSON: Could you summarize the discussion on this issue as you saw it.

Sen. SPANOS: I thought I did in my original presentation.

Sen. JACOBSON: Could you do it again.

Sen. SPANOS: After we had gone through the items on the budget, *per se*, started to take up the footnotes. Some of the footnotes were already on there and we passed all of those. But then there were additional footnotes. One was obviously this one — Footnote 80. Someone brought up this issue — and I cannot recall who it was — that this was a matter the Senate had considered. Then someone said that bill is dead. Now I must admit I do not know who said that. There was discussion as to the significance of this and someone then said that if we don't get this passed, it is possible the schools will not qualify so that they can get federal assistance and that struck me as very significant. I then said to myself ,"That is worth putting into the budget if it means helping our vocational-technical colleges" and that is how I arrived at the decision. Then I suggested that we make absolutely certain that we take care of the issue you raised in the Senate relative to your fear that it might precipitate accreditation of those schools as junior colleges. That basically is what happened.

Sen. JACOBSON: When you read this, it says, "to satisfy the requirements necessary to achieve and maintain regional accreditation." Does that sentence say as vocational-technical colleges or institutes?

Sen. SPANOS: The language is in the last sentence — "Each individual program of study offered should be such as to meet all of the requirements for professional accreditation and/or licensing of the particular —

Sen. JACOBSON: Would you answer the question.

Sen. SPANOS: It is not in there.

Sen. JACOBSON: It is not there, is that right? "*And* meet

the requirements necessary for federal aid." So there are actually 2 parts. Is that right.

Sen. SPANOS: Right.

Sen. JACOBSON: You come down below and in the sentence you want to talk about — "Each individual program offered should be such as to meet all of the requirements for professional accreditation." What do the words "professional accreditation" mean?

Sen. SPANOS: It means accreditation for whatever purpose they go in to ask for — whether they go in as a junior college or a vocational-technical college.

Sen. JACOBSON: Then the sentence follows — "and/or licensing of a particular specialty as a vocational-technical college." Is that what you said was going to satisfy me?

Sen. SPANOS: That is correct. I thought that language "as a vocational-technical college" would, in fact, mean that is all they would be going in for. The language "as a vocational-technical college" minimizes what they can go in there and ask for. And that was generally the feeling. If you don't find the language correct, I am sorry, but I thought it was all right.

Sen. JACOBSON: When I say it is two and three, this one and that one, the "and" makes the possibility for two, does it not?

Sen. SPANOS: Unless you have language that says it is one.

Sen. ENGLISH: I want to pay a tribute to you and the members of the Committee of Conference which we have already been informed met long hours and came up with a document which is an excellent compromise in most respects. You were given to understand, am I correct you thought HB 9 was dead? You were given that impression probably on purpose. You were also given to understand that there were federal funds that would be made available as a result of accreditation?

Sen. SPANOS: That last part was correct. Now, whether or not the rest of what you said was correct, I do not know. We were led to believe that accreditation of the vocational-technical colleges would mean that they would qualify for federal assistance.

Sen. ENGLISH: Was that spelled out in any way, shape or form?

Sen. SPANOS: Only in the statement that was made that it would mean the possibility of federal assistance.

Sen. ENGLISH: Was there any mention whatsoever of the potential costs involved?

Sen. SPANOS: None whatsoever.

Sen. ENGLISH: In addition to the matters of lab and library which are involved, are you aware that in order to secure accreditation there must also be what is sometimes described as "enrichment program" which has unlimited ramifications. Were you aware of that?

Sen. SPANOS: I am not aware of that.

Sen. NIXON: I have tried to listen as carefully as I could to the debate and questions in regard to the Committee of Conference Report on HB 43. In so saying, I should start at the outset by saying I rise in support of the recommendation now before us that we concur in the proposal as a package. I think it obvious from statements which have been released to the press, to the radio, etc. by various members of the House in the last several days that, whether we like it or not, the longer we take in the consideration of what is now before us, the more we do to it in terms of proposed amendments however meritorious, the less chance there is of it being responsibly considered *in toto*.

I also am aware of the fact that the Senate, as is usual — and I say this as a one term veteran of both sides of the wall — comes to the end of the session and is used by some of those who desire to do so for their own purposes as a whipping boy and a blame-it-all for the understandable confusion that always attends upon the closing of a legislative session. We are now engaged in the closing of a legislative session.

I think we are all aware, even in the light of the early morning so to speak, in which we are considering what is now before us, that as we go along, emotions are going to rise and tempers are going to become frayed and common sense is going to suffer as a result.

In so saying, I would just like to point out there are parts of the amendments we have before us that I do not like either.

I do not like at all the amendment with respect to the regional planning situation. I do not like the way in which it came to the Senate by way of an amendment to the original Committee of Conference Report on HB 43, and I supported Sen. Downing in his effort to strike it out at that time, as you may recall. I do not like what I have heard and read from both sides of the so-called regional planning issue, in the last few days and hours. I most particularly do not like the idea of the budget bill — the most important thing we consider in any particular session — being utilized as a vehicle for the attachment of non-germane amendments attempting to resurrect bills which were defeated on their merits earlier or attempting to defeat bills which were passed on their merits earlier, as in the case of Sen. Jacobson's HB 9.

I would suggest that, so far as the future is concerned, we give serious consideration, if we all of us have the honor — and I hope we do have that honor — of being a port of this honorable body again, to making rule changes which would absolutely prohibit non-germane amendments, however meritorious, particularly by way of footnotes in the budget bill but, in any event, as a part of Committee of Conference Reports, because that is the source of the confusion and the animosity and misunderstanding which right now jeopardizes some good causes.

The good causes that are in this bill, to the credit of Finance Committee, and its Chairman Roger Smith include these: For the first time since I have been a member of the Legislature, the state employees are given some priority in the treatment accorded them. As you well know, much of the time when we talk about the state employees up here unfortunately it is in terms of whether or not they all should be fingerprinted. Or it is in terms of whether or not they should be compelled to work Sundays and holidays in the case of the liquor stores. And you all have heard the language, as I have heard it from many of our best leaders, ending up speeches saying — "and finally we must take care of our state employees." It is always "finally." And they always talk about state employees in terms of "our state family." To me, they are not a family; they have their own families and I have my own family. They are professionals and they are entitled to the wage which they are worth and to which their experience entitles them. And that is part of this package which is in jeopardy as we now talk.

There is provision in here for the meritorious dual enrollment financing. I am glad that dual enrollment is going to get its funds. I am sorry that since the Foundation Aid plan was enacted about 1947 and the building construction legislation was passed not long afterward and the per pupil bonus payments for regional schools were passed that they have never been funded anywhere near adequately anywhere near the degree that dual enrollment will be funded if we pass the supplemental appropriation bill.

I am glad also that this package before us includes provisions for the continuance of treatment of crippled children and I am glad that we have 3 new state troopers and at least one more detective at the state level. I am glad that we are going to have, if we pass it, an Environmental Protection Division in the Attorney General's office with a full time Assistant Attorney General in an area which needs that work so badly. I am so glad about these things that I am not willing to sacrifice or take the chance of jeopardizing these legitimate concerns — the wishes and aspirations of those who will be beneficially affected by the passage of this bill, including every state employee, classified and unclassified, in New Hampshire — by attempting now to change the package and subject it to any misunderstanding caused by the delay, caused by the passage of time and caused by understandable human misgivings on principle and on personality.

It is for this basic reason I hope and recommend that we pass this package as we now have it — not because it is the best bill, but because I think that among the alternatives available to us it is our duty to do it.

Sen. KOROMILAS: I rise in opposition to the Committee of Conference Report. I have listened very intently to the arguments, both pro and con, with respect to this issue. I can't believe that the Senate can be considered clumsy or muscle-bound and that it can't, with a sharp, shear snip, cut and excise Footnote 80. I just can't conceive that this legislative body is not able to take out one small footnote from the budget without endangering the entire budget. I just can't believe we do not have the expertise or the know-how to take care of this small item of Footnote 80. I think that by passing this Footnote 80, as Sen. English said, we are playing with something we don't know the ramifications of. I am aware of the legislative processes like the

senators from the 8th and 9th Districts. I know there is a play back and forth, but I am sure that the person who put Footnote 80, or that group of people who wanted it, knew fully well they would be causing a legislative problem. They knew it in advance. They put it there for that very reason. Now you will hear reasons why we have to pass it possibly by other members of the Senate and they will say if you do something now with respect to Footnote 80, then we may lose the budget; we may lose this and we may lose that. But the people who put it in knew the dangers, the risks involved and now at this time to shift the burden of blame does not sound exactly true. Now I say what we are doing here, if we pass this budget with Footnote 80, we are departing on an uncharted course with respect to this particular phase of our education. I am satisfied with the remarks made by the senator from the 11th District that this is a situation that is fraught with danger and to adopt a budget that contains this particular provision is to say that we don't know where this course will take us; it will take us somewhere. For those reasons, I concur with the position taken by Sen. Jacobson.

RECESS

AFTER RECESS

Sen. JACOBSON: We have had a meeting finally of the Committee of Conference on HB 9. So far as that issue is concerned, I think we have resolved that. I am not so sure we have resolved all the other issues. There still is a little bit of procedural question which I have because I am not so sure that the final result will go through once the other result goes through so I am still a little bit nervous.

Sen. BROWN: I rise in opposition to the motion to adopt the Committee Report. I do it reluctantly. Being a member of the Senate Finance Committee, I know how long and diligently we worked to allocate monies where needed within the state government.

I rise in opposition to section 65 of HB 43, which is an amendment that was put on in the Conference Committee and which I believe destroys the amendment in Footnote 64 which was passed by both the Senate and House and also agreed to in Finance. What section 65 does is transfer the monies allocated to Route 101 east of Manchester to anywhere else in the state.

If you are familiar with the original bill in relation to the toll road, which was passed at the regular session, I don't think there is any question in our minds as to where that money will end up. In section 64, we are asking with that amendment that the toll road be delayed until July 1, 1973 because by that time we feel that through the Highway Act which was passed in 1970 and which goes into effect July 1, 1973, I believe we can build that road without it being a toll road with these funds and, perhaps at the same time save the state this money. I heard the other day there is a good possibility that the 90-10 funds would be continued. We could probably use some of that, or get that program to build the road. I don't think it is quite right to build a toll road there and charge the poor workingman in Rockingham County $200 to $300 in tolls to commute back and fourth to work. It has been proved that road is mainly a commuter road, except for the beach traffic weekends — going to the beach from Manchester. To restore this amendment and keep it as it was intended, I would like to see section 65 of HB 43 removed.

Sen. DOWNING: I rise in opposition to the motion to concur with the Committee of Conference Report as submitted on HB 43. My prime objection still centers on section 3 of the bill relative to the planning appropriation under Executive Office. I recognize that the Committee of Conference worked very hard trying to come up with this compromise and I am very appreciative of it. However, an area like this, which was discussed previously in this chamber — and to remove it had the support of half of the membership of this body — it seems to me it was entitled to more consideration than it obviously got in the Committee of Conference. I don't feel that priority-wise this is an area where money should be spent at this time. I still feel it would be wiser to put the money into school building aid. I don't really buy all this reorganization business. We are affecting departments and personnel — state employees — without any public hearing. As a matter of fact, the whole way in which this was introduced to us, not going through the House with the budget but rather coming to the Senate as an amendment — I don't like it. We have had some reference to "sneaky pete" deals and jamming through things and subterfuge and we have had a colleague tell us that we should understand this and it should be acceptable. Well, perhaps it is just that I have not been exposed to the Senate long

enough, but I don't find this type of action acceptable. Maybe if I am fortunate to be here a little longer, it will grow on me, but I pray not. The fact that this was introduced in the way that it was and the testimony that has been given on this area, I don't see where it will accomplish anything really that cannot be accomplished by Executive Order much like reducing or consolidating the planning districts, and this type of thing. I don't feel we will lose any federal aid if we do not do this thing. I am not convinced of this at all. I do know we are going to create some new jobs and I know we are going to create some new expenses and I just feel this money would be better allocated to another area. I would oppose the concurrence on the Committee of Conference Report on that basis. I would then move, if it is defeated, that a new Committee of Conference be established and, hopefully, the new Committee of Conference would take note of the exceptions that have been discussed here today.

Therefore, I urge you to defeat the motion, establish a new Committee of Conference and get our priorities straight.

Sen. MORRISSETTE: I would like to speak in favor of the Committee Report. I myself don't like the budget either, although there is a tremendous amount of merit in it. The most disappointing part of this budget is that it represents a situation which is existing which I hope some day can be corrected by government that I have described as government by department heads where these various department heads will come in, submit all their recommendations and it seems that we will be accommodating all the department heads. That is one of the objections.

Another objection is in regard to the creation of 198 jobs. This is extremely disturbing. I do not think this was the proper time to create such a large quantity of jobs. For example in Safety, I thought they were going to create 30 or 40 or 50 jobs and create jobs of the type that we need which are officials to go out and combat crime. Instead, we have created 80% of the jobs which are bureaucratic jobs.

I don't like the feature of giving raises to people who are already, in my opinion, most of them, and there are some exceptions, well paid. Many of these are political appointments — people who made substantially less prior to their appoint-

ments. I don't agree in that philosophy of percentage raises for this type of people. I think it should be on a merit basis.

Although there are a large number of good items in the bill, there are areas for example in Welfare. I have been very critical of the danger of a continous increase in the Aid to Dependent Children which in reality is aid to fathers who won't support their families. Unfortunately, we are stuck with doing their job.

But the thing that is of great concern to me and probably one of the biggest reasons why I feel I can't jeoparidze by not concurring is the dual enrollment. I am very grateful that the Senate stood by its grounds and has fought not to concur with the House and the final result was that we did get the money. I think we are going to realize the benefit of the work done by Sen. Spanos. Because of dual enrollment and also there is another bill I understand which is coming up very shortly — HB 49 — I certainly can't jeopardize that bill which is probably the first in many years of benefits or indirect benefits for the city that I am working and the people that I am representing in part of the city of Manchester. For those two big items— the dual enrollment money is not a large amount of money when you consider $8 million but psychologically this $300,000 will give many schools the courage to keep their schools going. If we don't concur with this budget and we lose that, it will destroy the last bit of hope for these people who are devoting their time toward helping our educational system. And, of course, the airport is a very indirect benefit, although I think it will add tremendous help to the state. To lose that, I think would be wrong.

As a total, I think we are all getting some benefits. Every area of the state is getting something out of the budget. There are a lot of very good areas in the budget. As I said, there are many areas which I think are almost deplorable but I am going to concur and I think that as a total my city and the state will benefit.

Sen. DOWNING: In indicating your approval of the Conference Report, have you indicated there is no alternative at this time? Do I understand that correctly?

Sen. MORRISSETTE: It is understood if we don't concur a new Committee will be appointed and I have complete faith

in the integrity of the committee of this house, but we have no control over the other house and, if you have the same people — I was told personally by some of the people on that Committee that they were dead set against dual enrollment. I am crediting the senators with saving dual enrollment. I don't go for what the newspapers say. Not to condemn him in any way, but all of a sudden the Governor became very generous. I think if we lose it, if there is a new Committee appointed, that is the first thing they will take out.

Sen. DOWNING: Did I understand correctly in what you just said you stated members of the Committee of Conference who would be members of any new Conference Committee have said they would take dual enrollment out of there right away if it were sent back?

Sen. MORRISSETTE: Last Thursday, I was told by the highest leader of the House that he was dead set against dual enrollment and it would not even be discussed and that immediately there would have to be a new Conference Committee of the Senate. Obviously the Senate stood by their ground last weekend because when I left here last Thursday I had no hope.

Sen. DOWNING: Do you feel that this body should act independently of the House or do you feel we should react to what the House does?

Sen. MORRISSETTE: I don't think we should react, but I think we should cooperate and work with the House and not create a situation whereby — this gives everybody a percentage of what they ask. I don't like that situation but we need reform in government to be more sensitive to the needs of the people. But that is the way it is.

Sen. DOWNING: In your original remarks you also referred to HB 49 which is a Committee of Conference Report which has not come into this body yet and you were concerned with the possible loss of it if you opposed this budget as submitted, even though you find some parts of it deplorable. Why do you have reservations about the fate of HB 49 and how do you relate it to the passage or non-passage of this budget?

Sen. MORRISSETTE: To me, they are both the same budget really. There is something in HB 49 that regular people on the street — I haven't had anybody tell me fight to get a

main airport in this state. Nobody is interested in the airport. They are always knocking it down. But I personally know as a former businessman if we could have a good sized airport this would be like bringing tremendous industry into this state because it would be a cargo airport. It would not be a passenger and it would benefit the complete state. So, to jeopardize $149,000 plus $500,000 from the federal — do you think that is a good idea?

Sen. DOWNING: It is not clear to me how you feel the capital budget bill is jeopardized by the operating budget bill.

Sen. MORRISSETTE: Obviously if we do not concur, it is because we want a reshuffling and reallocation of the funds. Now who do you think will be the victim of the reshuffling of the funds? It will be the people who are the weakest, who can't defend themselves — the people who are operating these schools for example.

Sen. DOWNING: Has it been suggested to you that if you, in fact, oppose this budget at this time, this could very well place the funds for the Manchester airport in jeopardy?

Sen. MORRISETTE: Not by any specific member. There has been an awful lot of general statements. You hear that all the time. You know that. But there is always that danger.

Sen. FOLEY: I am pleased that the Conference Committee retained the money put in by the Senate Finance Committee for dual enrollment, for school construction, for community mental health clinics, for the Council on the Aging, help for the blind and others. But I really feel that this Special Session was no time to create a whole new planning agency. I feel that changes in regions, if forced on us by the federal government, could have been done by the Governor and Council to satisfy federal standards, and federal aid would still be allotted to New Hampshire under our present professional planning department, and not have an entire new department created with 6 new positions, plus extras.

I would rather have had a study committee appointed to explore proposals and report in January. I regret the inclusion of $190,000 planning money allocated in the fashion that it was distributed in HB 43, as amended. I feel it is an ill advised expenditure at this time.

Sen. McCARTHY: I rise to speak against the motion to concur with the Conference Committee Report. I would like to start off by saying it may be bad for home consumption which is a quote from somebody because to do this in some way jeopardizes our dual enrollment money. But, if there is one thing I don't think is right, I don't think legislation should be because of fear and I think we have seen evidence of that this afternoon on this Senate floor. I think there has been enough concern expressed by senators regarding the office of planning — several senators have already spoken in that regard and it was a very close vote on that. Many people have spoken to me. And, try though I might, I have listened to my Minority Leader Sen. Spanos and other seasoned people — to accept this Conference Report, I just cannot responsibly do so when I know that the jobs are being set up just as Sen. Foley said at this Special Session; that there is such a concern about Route 101 which had been postponed and now they are indeed, I guess, going to get the money from the commuter from Rockingham County and the guy from Manchester who wants to drive to the beach. And I am familiar with these areas and I know that, contrary to what another leading spokesman in the Senate says, the bulk of the traffic on Route 101 is not from Massachusetts; it is New Hampshire people and they are working people. I was fully in favor of postponing that until such time as federal money will be available so that it would not be a toll road.

Another minor consideration I saw in the budget was the administrative addition of two Attorneys General. We talked about the environmental control — those were submitted properly at hearings, etc. but I understand 2 more Assistant Attorneys General have been authorized. From my dealings with the Attorney General's office, as with many of the agencies here in Concord, I have serious questions whether they can properly utilize these additional positions. That is another reason that falls back on the Office of Planning. I think that the administration here probably has enough to do right now to supervise the various offices which they have. So, even though it might jeopardize in some way our dual enrollment situation or maybe even our airport extension in Manchester, I think it is my responsibility since there are so many concerns here to speak against the motion to concur.

Sen. BROWN: Sen. Morrissette, in the past here on the

Senate floor, have you not condemned the rest of the senators because they were not, in your opinion, performing to the will of their constitutents? Have I heard you state this before here on the Senate floor.

Sen. MORRISSETTE: I don't remember.

Sen. BROWN: I believe you have numerous times. Are you aware that the people of Rockingham County — hundreds of them along Route 101 — have expressed their will that this toll road not be built because of the cost to them in commuting back and forth to work?

Sen. MORRISSETTE: Personally, I don't think they will ever build a turnpike. I am also somewhat disturbed at the transfer of this money and I do not think it will be used on 101 although I think it would help the state if some of that was uesd in that area. I think it will go in the north country because most of the highway money goes to the north country. Didn't we have a pledge in the form of a letter from Mr. Whitaker when we discussed this situation before that they would not take money out of there?

Sen. BROWN: You are aware are you not that the people who live along 101 in Rockingham County do not object to a new road. They only object to a toll road. This amendment is strictly to set it off until 1973 until these other programs go in and see if we can't get a new road without charging a toll. So, don't you believe this is the will of the constituents?

Sen. MORRISSETTE: Well, there is no doubt the people want a good 101, but the highway department has $67 million, and this year this is going to be built up even higher, that they can allocate to the areas that have great priority and 101 is one area that should receive great priority because the road is heavily traveled. But I can't believe that after a pledge they won't transfer those funds, that they are going to do it now because of this footnote. How can you have such a major change in government simply by a footnote?

Sen. POULSEN: You mentioned this money probably going to the north country. Would you have any idea where in the north country it was going, to what town?

Sen. FERDINANDO: I will vote for non-concurrence for two reasons. First is that I don't mind spending millions of dol-

lars. I think there are many worthwhile causes. One of the things that bothers me is that there are so many areas of cutting that have not been looked into by the Finance Committee. And I don't think we have to go very far. We can look right here in the gallery. We have one of the members of the staff of the Insurance Commission who can spend hours here at this particular session and, if we go back over the last regular session, we find that the Commissioner and his staff have so much time to spend in the hallways and in our Senate chamber that obviously this is an area of overstaffing. This is just an example that should be clear to all of us right here. So, how in good conscience can you see situations like this exist, knowing there is so much waste in our departments and we are not doing anything about it. For that reason I am voting for non-concurrence.

Sen. DOWNING: I notice with some degree of amusement your identification of a member of the Insurance Commissioner's office. I wonder if you would like to identify the other staff members in the gallery.

Sen. FERDINANDO: I do not recognize all of them. There are so many I am not sure who they all are.

Sen. S. SMITH: I rise in support of Senator Roger Smith's motion to concur in the adoption of the Committee of Conference Report. I think the Senate Finance Committee put in long hours and effort to bring into that budget and into this bill the needs and priorities as seen by the Senate. Again, I think Sen. Spanos and Sen. Roger Smith should be commended on their work on the Committee of Conference.

There are things in this budget which are not the first priority in my book. There are things which possibly I could not have felt had the highest priority. There are things missing which I might feel have higher priority. The Committee of Conference has worked hard and long to develop this budget. All the things which have been put in have been mentioned by previous speakers. That which has been left out has also been mentioned by previous speakers. I would just like to leave one thought, not as a threat, not as a promise, but just as a statement. I think, after the House and the Senate have given this long consideration, and though we do not approve of some of the measures, we should take favorable action. I think this being the last day of the session, to non-concur and form another Com-

mittee of Conference would be putting in jeopardy many of the issues and many of the things which are presently in this budget — small things and big things. There are things with which I have been concerned which are in it. There are things which are not in it. Yet, on the whole, I feel that the Committee has done as well as it could possibly do with the funds available.

I hope that the Senate will concur.

Sen. MORRISSETTE: We have received a letter from Commissioner Whitaker relative to the removal of the funds from 101. Is it your opinion that there is any integrity in that letter?

Sen. S. SMITH: I am not quite familiar with this letter. However, I think that the position taken by the Committee on 101, along with everything else, has been that the Legislature in the 1971 regular session voted for this toll road. In the special session, an amendment was added so that the toll road section construction would be postponed until July 1, 1973. I think the way the Committee looked upon it was this. If you are stopping the toll road, maybe it would be best at this time to also stop 101 on a temporary basis until it is finally resolved in January of 1973 and the months following so that the legislature can take a clean look at both sections of 101. I am sure every member of this Senate is well aware 101 is a bad situation. On the other hand, if we continue putting money into 101, I think the feeling of the Committee was we would pouring it down a hole whereby, with a better look at the feasibility of construction of 101, we could then have a better look at it in 1973 and make a fuller, more well founded answer to the situation.

Sen. MORRISSETTE: Has Commissioner Whitaker indicated the intention of abandoning such an important road? We have hundreds of miles of road throughout the State that are being kept up and improved all the time.

Sen. S. SMITH: Not to my knowledge is he going to abandon 101. I think it is very clear that the Highway Department sets some of the priorities and there is no question that some of the priorities have been in sections of 101. If we stop this now, it will mean a postponement of 101 and also of the toll road for a period of approximately 15 months. It is thought that continuing with the planning and construction of 2 lanes of 101 might waste a lot of the taxpayer's money. I think many of us

are aware, and Commissioner Whitaker brought in statistics at our Senate Finance hearing relative to the fatalities. From 1960 to 1971 there have been 41 fatal accidents and 56 deaths with 406 non-fatal accidents. Of these accidents, 22 occurred on the newly, recently reconstructed 2-lane section. I think the question here is are we going to build a two-lane free highway and have more problems and deaths on the highway in Rockingham County? And probably by the time the 2-lane highway is completed, it will be completely obsolete from the traffic volume. Or are you going to build a 4-lane highway out of regular state construction funds and have it last over a period of 15 to 20 years? Or are you going to build a toll road which can be accomplished in a much shorter time and give faster service and be a safer road for the people of the area? I think these are the questions which you have to be asked. And to stop construction kaboom on the toll road, I think, would be a great mistake if, at the same time, you do not stop on 101 so that a Legislature can look at this thing in 1973 and make a final determination when the final feasibility report is in hand.

Sen. MORRISSETTE: Next January we could act on this matter?

Sen. S. SMITH: That is correct.

Sen. KOROMILAS: If you have the bill before you, I want to refer you to Footnotes 78 and 79. These have to do with authorizing state appropriations to pay assigned federal employees. Also with respect to Footnote 79, it has to do with transfer of certain assigned federal employees. Would you explain what Footnote 78 purports to do.

Sen. S. SMITH: Articles 78 and 79 in the bill do two things. They allow state employees to be transferred into federal positions of a comparable nature and, vice versa, allows federal employees to come into the state of New Hampshire and work in those positions with which they are familiar so that they can both gain a broader knowledge of problems. I think these are 2 of the greatest things in the budget. It allows our state employees to work in the federal system — to know it, to get acquainted with the people so that the problems of the state can be better understood on a federal level — and the federal people to work in the state and become more fully acquainted with the state problems.

Sen. KOROMILAS: Under these 2 footnotes, is it possible to create a federal position in the state of New Hampshire and have it funded by the federal government and then allow that federal job to become a state job and work it vice versa?

Sen. S. SMITH: I don't believe so. I think that this is for existing positions. I suppose that the Legislature would have to vote to create a new position. The Legislature would have to vote to kill it.

ROLL CALL

Requested by Sen. R. Smith. Seconded by Sen. Downing.

Yeas: Sens. Lamontagne, S. Smith, Snell, Townsend, Spanos, Nixon, English, Porter, Leonard, R. Smith, Morrissette and Provost.

Nays: Sens. Poulsen, Gardner, Jacobson, Ferdinando, McCarthy, Brown, Marcotte, Koromilas, Downing, Tufts and Foley.

Result: Twelve senators having voted in the Affirmative and eleven having voted in Negative, the Report was Adopted.

RECONSIDERATION

Sen. S. Smith moved Reconsideration of the Adoption of the Committee of Conference Report on HB 43.

Motion Lost.

RECESS TO 4:15 P.M.

AFTER RECESS

HOUSE ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

SB 24, relative to solid waste disposal.

SB 17, providing for an emergency temporary zoning and planning ordinance and for the adoption of the same in emergencies.

SUSPENSION OF RULES AND JOINT RULES

Sen. Jacobson moved the Rules of the Senate and the Joint Rules be so far suspended as to allow the introduction of a House Bill beyond the deadline.

HB 81, legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton and Hooksett.

Adopted.

INTRODUCTION OF HOUSE BILL

First and second reading and referral

HB 81, legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton and Hooksett. (Executive Departments, Municipal & County Governments)

SUSPENSION OF THE RULES

Sen. Jacobson moved the Rules of the Senate be so far suspended as to dispense with the requirement of notice of public hearing, holding of public hearing, notice of report, committee report and printing of: HB 81.

Adopted.

LAID ON THE TABLE

Sen. Koromilas moved HB 81 be laid on the table.

Adopted.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred House Bill No. 9 entitled 'An Act authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible.' having considered the same report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each adopt the following amendment to the bill and pass the bill as so amended.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Accreditation. Amend RSA 188-A:6-a as inserted by 'An Act making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes and relative to other matters.' passed by the 1972 session of the general court by striking out said section and inserting in place thereof the following: 188-A:6-o Accreditation. The technical institute and vocational-technical colleges are authorized to seek accreditation and maintain membership in the regional accrediting association as rapidly as possible, within available appropriations, to satisfy the requirements necessary to achieve and maintain regional accreditation as vocational institutes, and technical colleges only, and in order to meet the requirements necessary for federal aid. Each individual program of study offered should be such as to meet all of the requirements for professional accreditation and/or licensing of the particular specialty as a vocational technical college.

2 Effective Date. This act shall take effect on April 5. 1972.

James E. O'Neil, Cheshire 12
Janet W. Dunham, Cheshire 11
Michael J. O'Keefe, Rockingham 29
Conferees on the Part of the House

Alf E. Jacobson, District 7
Richard W. Leonard, District 13
Conferees on the Part of the Senate

Sen. Jacobson moved the Senate adopt the Committee of Conference Report.

Sen. JACOBSON: As all of you know, we had considerable discussion of this with regard to it being a footnote in the budget bill. We did get a Committee of Conference on HB 9, for which I am grateful to the President of the Senate, and we had some serious, frank discussions and finally came to an agreement. If you have your budget bill before you, in Footnote 80, you will see where it says "to satisfy the requirements necessary to achieve and maintain regional accreditation" and the Com-

mittee of Conference Report has added "as vocational institutes and technical colleges only, and in order to meet" and then it goes on as it did. So, what the Committee of Conference Report does is that it very specifically states that this accreditation to be sought will be only for these vocational and technical colleges and institutes as vocational institutes and technical colleges. As I understand it, the New England Regional Accrediting Association has just established a subcommittee which is concerned only with that aspect of higher education so that, with this amendment, it seems to me that our vocational institutes and technical colleges will remain within the context of for which they were orginally ordained and which I have strongly supported all along.

Sen. NIXON: Because of his knowledge of the vocational-technical situation as opposed to the junior colleges, I would hope that the Senate will go along with Sen. Jacobson on this proposal.

Sen. SPANOS: I rise in support of Sen. Jacobson's motion and hope my colleagues will go along.

Report Adopted.

SUSPENSION OF RULES AND JOINT RULES

Sen. Jacobson moved the Rules of the Senate and the Joint Rules be so far suspended as to allow the introduction of a Senate Resolution beyond the deadline.

Sen. JACOBSON: It has come to my attention that a number of our independent grocers throughout the state — and I happen to have 55 in my District — are considerably concerned about the matter of large chain stores coming in and dominating the scene with regard to the sale of beer. They have had a court decision this month, as all of you know, which has favored the independent grocers and it is now being appealed again. However, as I indicated in my little talk on SJR 1 on the relationship of the separation of powers, I am under the view that our public grievances, whenever possible, should be settled by the Legislature and a number of these grocers have contacted me and asked me to try to do something in the investigation of laws that may need to be corrected that will make the independent grocer's position a stronger position. After all, I think we have a responsibility to the small, independent businessman through-

out our state to see that they not be overwhelmed. I do not know all of the details, nor have I had the time to investigate all of the details, but I thought possibly in the interim our Ways & Means Committee could hold a hearing or two to investigate the present law to see if there needs to be any kind of correction that will allow our small, independent grocer to maintain their financial equilibrium. This is the purpose behind this Resolution.

Sen. LAMONTAGNE: I rise in support of the Resolution and concur with the Senator from the 7th District. I too have had some inquiries from some of the small merchants in Berlin and Gorham and other sections of my District.

Sen. KOROMILAS: Does this touch upon the Cumberland Farm problem?

Sen. JACOBSON: Yes, it does. And it further touches upon a problem that has come to my attention in which various corporations are set up and they do not function actually except for very limited purposes. I do not know all of the details, but I felt the Senate Ways & Means Committee could investigate this and possibly come up with remedial legislation.

Sen. MORRISSETTE: I would like to speak in favor of this proposal. I think the salvation of the free enterprise system is dependent on the small businessman and I think that the trend toward giant corporations is one of the serious threats to this country. I feel the concept of this, in my opinion, is indisputable.

Adopted.

INTRODUCTION OF SENATE RESOLUTION
First and Second Reading

SENATE RESOLUTION NO. 2

(Senator Alf E. Jacobson, District 7)

Be It Resolved: by the Senate of the General Court of the State of New Hampshire:

That the Senate Ways and Means Committee be instructed to investigate any problems with respect to the issuance of beer licenses issued to grocers throughout the state, and report back to the 1973 session of the legislature with any recommendations

and/or legislation to correct any present deficiencies in the law.

SUSPENSION OF THE RULES

Sen. Jacobson moved the Rules of the Senate be so far suspended as to dispense with referral to committee, notice of public hearing, holding of public hearing, notice of report and committee report on: SR 2.

Adopted.

Second Reading

Senate Resolution 2.

Ordered to Third Reading.

SUSPENSION OF THE RULES

Sen. Jacobson moved the Rules of the Senate be so far suspended as to place on third reading and final passage at this time: SR 2.

Adopted.

Third Reading and Final Passage

Senate Resolution 2.

Adopted.

RECONSIDERATION

Sen. Jacobson moved Reconsideration of SR 2.

Motion Lost.

HOUSE ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

HB 43, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes and relative to other matters.

HB 49, making appropriatiaons for capital improvements and amending the 1969 capital budget.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred House Bill 49, An Act making appropriations for capital improvements and amending the 1969 capital budget, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur in the adoption of the Senate amendment, and

That the House and Senate each pass the bill as amended by the Senate.

Sen. Townsend
Sen. Lamontagne
Conferees on the Part of the Senate

Rep. Trowbridge
Rep. Weeks
Rep. Fortier
Conferees on the Part of the House

Sen. Townsend moved the Senate adopt the Committee of Conference Report.

Sen. TOWNSEND: The Committee of Conference made no changes whatever in the capital budget which was seen earlier on the Senate floor.

Adopted.

SB 17, providing for an emeregency temporary zoning and planning ordinance and for the adoption of the same in emergencies.

(See House Journal 23 Mar. 72)

Sen. Porter moved the Senate adopt the Committee of Conference Report.

Sen. PORTER: The conferees on the part of the Senate, Sen. Snell and I met with the House members and adopted an amendment which was added to the House version of the bill. The amendment calls for a joint select special committee of the Legislature dealing with environmental protection. Before I explain what the amendment does, I should like to state that the House, in its action, deleted the entire contents of the old SB 17 as it passed the Senate and passed an amendment called "emergency temporary zoning" for instant zoning. Our Conference Committee met and decided on an amendment at least to provide for work during this Summer and Fall to look into the organization of a conceptual plan to take a look at what varoius state agencies, bureaus and divisions might possibly be transferred into an Environmental Protection Division. This

committee would meet with various other agencies within the state government and be composed of 5 members — 2 from the Senate and 3 from the House. That was the amendment the Senate Conference Committee put on.

I should also like to explain briefly the House amendment, since it has not been explained here on the Senate floor. The House amendment to SB 17 was a rather lengthy amendment which provides for emergency temporary zoning and a means of adopting an ordinance. This amendment was actually in the *Calendar* of March 5.

The bill as now before you, I think, is somewhat more restrictive than SB 17 actually was. It will be effective, however, only in those towns that currently do not have zoning or planning boards. I urge your adoption of the Report.

Sen. POULSEN: I rise in support of this Report. It is very necessary to selectmen of small towns which can be engulfed by developers. We believe it is a protective bill for towns and I urge passage.

Sen. S. SMITH: I rise in opposition to the Committee of Conference Report. I can understand the attitude sometimes of emergency in the concept of zoning. But the things that bother be particularly in this is that when the law is adopted, you have one class of zoning only. In the normal procedure of zoning, there are rather lengthy procedures which the town goes through to tailor make a zoning ordinance for the community. This, as I understand it, sets up only this board of adjustment with zoning powers, site plan review and planning board all in one package with a very rigid, arbitrary, fixed, one-type of zoning in the town. For this reason, it is my belief that, if this is adopted by a town, it could cause such problems in that towns that it would set back the concept of zoning and of planning in that community for many years. It may well be adopted at one town meeting and thrown out quickly the following year when the problems begin to arise. For these reasons, though I can understand fully the reasoning behind this legislation in that people feel these towns have to have this choice now, in the long run for the whole concept of zoning, planning and control of development I think that this will hurt.

Report Adopted.

SUSPENSION OF RULES AND JOINT RULES

Sen. Foley moved the Rules of the Senate be so far suspended as to allow the introduction of a House Concurrent Resolution beyond the deadline.

Adopted.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

First and Second Reading

HCR 1, ratifying the proposed amendment to the Constitution of the United States extending equal rights to women.

SUSPENSION OF THE RULES

Sen. Foley moved the Rules of the Senate be so far suspended as to dispense with referral to committee, notice of public hearing, holding of public hearing, notice of report and committee report on: HCR 1.

Adopted.

Second Reading

HCR 1, ratifying the proposed amendment to the Constitution of the United States extending equal rights to women.

Sen. FOLEY: The United States passed the amendment yesterday for equal rights to women and it now requires ratification by three-fourths of the states. This amendment would prohibit discrimination based on sex by any law or action of the government. We have a chance to be the second state to ratify this amendment. Hawaii did it yesterday and we, hopefully, will be second in the nation. I am sure you have all read the Resolution and you know as much about it as I do. There has been a great deal of talk about equal rights for women and we have a chance to pass this today and I hope the Senate will go along with it.

Sen. GARDNER: Some of you will recall I introduced a bill on the status of women in the Senate two sessions ago, which passed with no opposition. However, after a very stormy voyage in the House, with a great deal of assistance from Rep. Shirley Merrill, it finally arrived in a safe harbor — the Governor's office. Since then, the Committee has held hearings in different areas of the state. I am sure that the next Legislature will find

bills to correct many inequities in the laws as a result of their study. I urge the passage of House Concurrent Resolution No. 1.

Sen. NIXON: As the sponsor of Chapter 555, Laws of 1971, by which our Legislature prohibited discrimination by anyone on account of sex, I would be pleased to read to the Senate a statement by Richard M. Nixon dated July, 1968:

"Forty-eight years ago, American women were given the Constitutional right to vote. Today it is accepted as a matter of course that men and women have an equal electoral franchise in this country and that American men and women will have an equal voice in choosing a new president, a congress and state and local governing officials and bodies.

But the task of achieving Constitutional equality between the sexes still is not completed. All Republican National Conventions since 1940 have supported the long-time movement for such equality.

It is my hope that there will be widespread support for the Equal Rights for Women Amendment to our Constitution, which would add equality between the sexes to the freedoms and liberties guaranteed to all Americans.

Richard Nixon"

I am glad that there is bi-partisan support for this proposal which has been originated in this body by the distinguished Mayor of Portsmouth who is a duly elected Delegate to the Presidential Convention and I hope the Senate will approve this Resolution unanimously.

Sen. JACOBSON: I simply want to say that all my life I have been 100% for women and now I am 100% for their rights as well.

Sen. R. SMITH: I rise in support of the Concurrent Resolution. As the sponsor of an amendment within the Senate Finance Committee to give the Commission on the Status of Women a little more status and equality, I hope you will all vote in favor.

ROLL CALL

Requested by Sen. Spanos. Seconded by Sen. Porter.

Yeas: Sens. Lamontagne, Poulsen, S. Smith, Snell, Townsend, Gardner, Jacobson, Spanos, Nixon, English, Porter, Leonard, Ferdinando, R. Smith, Morrissette, McCarthy, Provost, Brown, Marcotte, Koromilas, Downing and Foley.

Result: Twenty-two Senators having voted in the affirmative and None having voted in the negative, the Resolution was Adopted.

Ordered to Third Reading.

SUSPENSION OF THE RULES

Sen. Foley moved the Rules of the Senate be so far suspended as to place on third reading and final pasasge at this time: HCR 1.

Third Reading and Final Passage

HCR 1, ratifying the proposed amendment to the Constitution of the United States extending equal rights to women.

Adopted.

RECONSIDERATION

Sen. Gardner moved Reconsideration of HCR 1.

Motion Lost.

Taken from the Table

Sen. Koromilas moved HB 81 be taken from the table.

Adopted.

Second Reading

HB 81, legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton and Hooksett.

Sen. Poulsen moved adoption of an Amendment.

Sen. POULSEN: This amendment is put in in the hopes of helping the Franconia Paper Company to stay alive. They are now currently being sued for $25,000 because of the death of some trout in the Pemigewasset River. This does not change water classification, it just takes the fish aspect out of it. It is for a period of only one year. It would help give them a little courage to go ahead and to be able to live until they get their water treatment plant in good shape. Actually, they have agreed to do all the things asked of them by the Water Pollution Board. At least part of it has not been invented yet, but they have

agreed to do it within a year. And this particular suit against them by the Fish & Game for $25,000 is a hard blow. This amendment will not take that away, but it will prevent its recurrence during the next year.

The author of the original bill, who is a member of the House himself, is willing that this rule be suspended for one year. There is a great feeling in that part of the country that the company should be allowed to live. In fact, we think that if this amendment is not in and the company does go under, there will be considerable unemployment in the town of Lincoln so that they will very well fish out whatever fish the state puts in the Pemigewasset anyway. So there is no loss to the state in the long run. We urge the passage of the amendment.

Sen. LEONARD: How many employees does the paper company have?

Sen. POULSEN: There are about 300 direct employees and probably about 300 or 400 more in terms of supplying wood, trucking products away and so on. We think there are between 600 and 700 people who derive their living from the plant.

Sen. LEONARD: Are they in the process of meeting the standards set by the State Pollution Board?

Sen. POULSEN: As far as I know, they are doing everything in their power to comply. Part of the procedure, the secondary treatment which is required in a year, I don't think is actually used anywhere at this time. I think it is still being developed.

Sen. LEONARD: They are actually working on the problem and spending funds?

Sen. POULSEN: Yes. Part of the problem is that law affects fish rather than the actual water quality and trout brookies which are stocked there by the Fish & Game are very susceptible to all kinds of things. I don't think that brown trout or rainbow would be affected at all. We have them in the Connecticut River which is highly polluted and they seem to thrive.

Sen. S. SMITH: I rise in opposition to this amendment. My Senate District includes the town of Lincoln and all the towns down the Pemigewasset River through the Town of North

Hampton. I think the issues here could be far reaching. As you know, I worked hard for an amendment to HB 6 to give relief to the town of Lincoln in regard to the obligations which it must meet. I have talked with representatives of the Franconia Manufacturing Company who indicated they were not aware of this piece of legislation.

What this amendment does is take the words "inimical to fish life" out of the statute in regard to the classification of seawaters. In my estimation what this does, in effect, is to lower the classification of the river. Towns up and down that river, including Lincoln and Woodstock, which is also in the Lincoln area, have worked hard to clean up this river. If this becomes law, what happens is that our present law on the books and federal law are identical or at least very similar using the words "inimical to fish life." If this goes, we have federal control on our river rather than local control. I am not happy about the case that has been brought in the courts against the Franconia Manufacturing Company and the Town of Lincoln relative to the killing of fish, but I think that it is for us to legislate in regard to an action which is presently being decided before the courts of our state. I think it may have been ill advised and not timely to go after the Franconia Manufacturing Company, but I think this type of legislation, in fact, could bring in federal control on our waters. We have fought for the last 10 years, to my knowledge, to establish classifications on the river which will protect the environment and which will protect our state from the encroachment of commercial and industrial waste into our rivers. I think, by setting this precedent, we are opening the way also for the breakdown of our enforcement and our cleaning up of the river.

Sen. PORTER: This says definition of stream classifications in RSA Chapter 149. Is this just restricted to the Pemigewasset?

Sen. S. SMITH: I would not think so.

Sen. PORTER: As I read Chapter 149, which is quite a few pages, that means anywhere in the state they will remove and lower the classification to the lowest, Class B?

Sen. S. SMITH: It would take it out of all classification. A through C have "inimical fish life" aspect in their classifica-

tion. From what I can see of this amendment, what it would do is to remove it from A, B and C classification for all the waters of the state.

Sen. LAMONTAGNE: I can recall at the time Rep. McGee who happens to be the Commissioner of Water Resources today and myself talked with Mr. Waldo of the Franconia Mills and this was at the time they wanted to make a change in the classification of the waters when Mr. Waldo of the Franconia Paper Company had agreed to C classification. At that time, I opposed that classification because I felt in the future we were going to have some trouble not only for Franconia Paper Company, but also a problem was going to occur for the Brown Company on the Androscoggin River and, at the same time, for the Groveton Paper Company. Personally, I feel that the Franconia Paper Company has done a lot more than its share in trying to cooperate with the state in their reclassification. Right now, the Franconia Paper Company is facing this problem of a lawsuit and personally I feel jobs are more important today than it is for fish in that area. I think we need jobs. I think if we can protect these jobs for the north country, we should protect them. I don't think this amendment will make it so harmful because it is only asking for one year. I think we owe that company because of their trying to cooperate in cleaning the water and I think we should try to protect them from a lawsuit and I feel this is what the proposed amendment would do. I hope you will go along with it. It means savings jobs.

Sen. KOROMILAS: I rise in opposition to the amendment. I think it is very clear what this does. To me I think we owe nothing to the company that now is polluting the waters. I think we should do something about it and I think we should allow these fish to subsist. We have the Fish & Game Department storing fish in here. I just don't understand why we want to give a year of stay to the Franconia Paper Company. I feel we have done enough for them this session. I don't see why we should do this as proposed in this amendment.

Sen. FERDINANDO: I rise in support of the amendment. I think we have a consideration here — are fish more important than human beings? Are the jobs that are involved more important than fish? I think that most of us might feel, on the basis of how we vote here, that people of the state are important to us and I think we have a chance to give them more time.

I think it is a very harmless amendment that is giving them more time and I think we owe it consideration. I would hope that most of us here would support the amendment.

Sen. KOROMILAS: Are you aware this amendment is general. It has nothing to do with the Pemi; it has nothing to do with the company in Lincoln. It is a blanket change in classification.

Sen. FERDINANDO: I am aware of that and I think whoever else may fall into that category who needs more time in order to comply should be helped and I think there is an opportunity here to help them.

(Sen. Jacobson in Chair)

Sen. SPANOS: Do you recall who said on March 14, 1972, "In order to rescue our environment, we must learn to consider time in longer stretches — not the old 'here today, to hell with tomorrow' attitude — lest we commit earth suicide."

Sen. S. SMITH: It sounds like the Minority Leader.

Sen. LAMONTAGNE: Are you aware that the company has now applied for help from the federal government in getting a loan?

Sen. S. SMITH: I am well aware of this and this is why I was so strongly in favor of having the bonding issue resolved where there is a possibility of default. It is still a problem until April 1.

Sen. LAMONTAGNE: Do you feel the lawsuit now pending will have any effect on this loan?

Sen. S. SMITH: I think the problem here is that the federal law also covers this and we are going to have stiffer and tougher control than what we have now. I feel it was rather poor timing to go into a lawsuit, but I don't think this is a resolution of the problem and I do not know the determination because the experts who may be involved in this case have not spoken. We do not know whether this case will resolve itself.

Sen. BRADSHAW: I rise in opposition to the pending amendment. I feel that we should be appraised of the true situation. I was involved in several hours of conversation, discussions, mediation, etc. in an attempt to save the Franconia Manufacturing Company. This very subject was discussed about the

possibility of lifting the ban on the "inimical to fish life" for the Pemigewasset — the company attorneys, the Assistant Attorney General from the Attorney General's office — and I think it is safe to say that everybody at these meetings on both sides of the fence agree that lifting the state ban would accomplish absolutely zero because you still have that provision in the federal statutes and all you are doing is asking to have them sued under federal statutes instead of under state statutes. If you kill this amendment, you are not going to affect employment in Franconia one iota because, even if the amendment should pass, it does them absolutely no good. Consequently, I would hope that the Senate would vote to kill the amendment.

Sen. POULSEN: Is the federal government suing the Franconia Manufacturing Company?

Sen. BRADSHAW: They are not at the present time that I know of, but I can tell you this — a representative of the federal agency made it very clear that they would institute a suit if the state did not, so I think that the amendment does not really solve the problem.

ROLL CALL

Requested by Sen. Poulsen. Seconded by Sen. Porter.

Yeas: Sens. Lamontagne, Poulsen, Ferdinando, Provost, Brown and Marcotte.

Nays: Sens. S. Smith, Townsend, Gardner, Spanos, Nixon, Bradshaw, English, Porter, Leonard, R. Smith, McCarthy, Koromilas, Downing and Tufts.

Result: Six Senators having voted in the affirmative and Fourteen having voted in the negative, the Amendment Lost.

(Senate President in Chair)

Sen. Lamontagne moved adoption of the following amendment.

AMENDMENT

Amend the bill by adding the following new section:

Eliminating Double Taxation of Joint Ventures and Partnerships. Amend RSA 77-A:4 as inserted by 1970, 5:1 as amended by inserting after paragraph V the following new paragraph:

VI. In the case of a business organization which is a participant in a joint venture which itself is taxable under this chapter or a partnership which is a partner in a second partnership which itself is taxable under this chapter, a deduction of such amounts of gross business profits as are derived from distributions from the joint venture to the business organizations or from the partnership to the second partnership and which have already been subject to taxation under this chapter during the same or an overlapping fiscal period. The purpose of this deduction is to prevent double taxation on the indentical gross business profits of a joint venture and its participating business organizations or a partnership which is a partner in a second partnership.

Sen. LAMONTAGNE: The purpose of this amendment is to delete and prevent double taxation of individual business profits on a joint work venture. This is for business organizations or partnerships who are partners in a second partnership. In other words, today those who have a joint partnership are being taxed for the second time. This would eliminate this double taxation.

Sen. KOROMILAS: What is the loss in revenue as the result of this particular amendment?

Sen. LAMONTAGNE: I have not gone into the figures. I have not contacted the head of the Business Profits Tax Division.

Sen. BROWN: I would like to speak in favor of this amendment. We have very few contractors in the state who are large enough for bonding purposes, equipment, etc. to do a large complex of any description. Therefore, these contractors have to call on large contractors out of the state in order to accomplish this. Under the tax situation, the next profit of this joint venture — these two contractors; one from out of state and one from in state — is taxed within the state. But then when the outside contractor goes back to his home state, he does not have to pay another tax on that, whereas in the state, the local contractor has to pay a tax. Therefore, this is why he is being taxed twice. This is the reason for this amendment.

Sen. KOROMILAS: When this was being considered — I think it was in HB 42 — was there any discussion with respect to how much money the state would lose if this had been adopted?

Sen. BROWN: No, there was not. This came to our Ways & Means Committee and we had, at that time, no indication where it came from or what it was all about. But since then, I personally have done some research on it and, as I explained it in my statement, I believe it is necessary piece of leegislation.

Sen. NIXON: I do have some reservations about this amendment. As I understand it what it purports to do is permit one partnership or joint venture to join in with another partnership or joint venture in a project in which they have a mutual interest but which is not the principal reason for their existence in the first instance and not be taxed on any profits they might make by this combination. I don't that anybody should be double taxed and I don't think that is double taxation because, as I understand it, the option has been made by the partners of joint ventures in the first situation to join together in a common enterprise of a different nature than either one of them is individually involved with. The problem I see if we pass this amendment, not having had the benefit of any explanation in depth or any chance to study it before tonight, is it would seem to me to open the door for a pretty good sized loophole in the Business Profits Tax as it relates to partnerships and joint ventures because I think you might see — and I am a partner myself — a proliferation of combinations of joint ventures and partnerships in enterprises so as to expressly avoid the burden of the Business Profits Tax. To that extent, the State would be deprived of an increasingly substantial amount of revenue. On the basis of what we have heard and been able to learn about this amendment, it should not obtain favorable consideration. I hope it will be defeated.

Sen. JACOBSON: This amendment before you is item 14 in the ill fated HB 42. I served as a member of that Committee of Conference and when this matter came up, we called in a witness to discuss it. We checked with Mr. Blake of the Tax Division. We checked with Attorney Leahy. And, after considerable discussion in the Committee of Conference, we came to the conclusion that this was a legitimate item. Now, contrary to a lot of opinion that has been given here, the joint venture or the joint partnership does pay the profit tax on that joint venture or joint partnership. As Sen. Brown indicated, there are instances when a New Hampshire business or partnership would like to build a very large building or handle a tremendously

large lawsuit but cannot on its own resources and, therefore, they join together in the building of this big building and/or in this big lawsuit. The money that is taken from that — the profit that comes from that — is taxed before it is divided. Now the problem has come up that when the profits come back to the original companies or partnerships, it looks like additional profit, but it has already been taxed so that the net effect of that procedure is to impose a 12% tax rather than a 6% tax. There is a present case in the courts, *Davison* and *Crow*. Crow is a large company and they are charged for the 6% profit in this joint venture. They leave the state. However, Davison is a New Hampshire company and, under the present situation, they are liable to be taxed again. So that it is in effect double taxation. I don't know what will happen to this should it pass and go to the House, but I believe it is a legitimate change.

Sen. KOROMILAS: Did you say there is a case pending at the present time to determine whether this is or is not double taxation?

Sen. JACOBSON: I understand Davison has refused to pay a second time on the Business Profits Tax and we were also given to understand that the Attorney General would plead in favor of the Davison Corporation.

Division Vote: 11 Yeas; 9 Nays.
Amendment Adopted.

Sen. Koromilas moved adoption of the following amendment.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT
legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton, and Hooksett, and authorizing the city of Dover to acquire, develop and operate industrial parks within the city and to aid the construction and expansion of industrial facilities within the city by the issue of revenue bonds.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Declaration of Need and Purposes. It is hereby declared that there is a need for the development of industrial facilities within the city of Dover in order to alleviate and prevent unemployment and underemployment in the city and the region in which the city is located, to insure the continued growth and prosperity of said city and region and to promote the general welfare of the citizens thereof and of the state. It is the purpose of this act to authorize the city of Dover and the Dover Industrial Development Authority to foster and encourage the development of industrial facilities by acquiring, developing and operating industrial parks within the city, with or without the use of city funds, and by aiding the construction and expansion of industrial facilities within the city, without the use of city funds, through the issue of industrial development revenue bonds. The two industrial assistance programs authorized by this act are intended to be mututally independent, although such independence shall not preclude the financing of industrial facilities within an indutsrial park by the issue of revenue bonds; and all the powers herein conferred are intended to be in addition to and not dependent upon any powers conferred on said city or authority by Chapter 546 of the Laws of 1971 or by any other law. It is further declared that the actions authorized by this act serve a public purpose and that in carrying out the provisions of this act the city and the authority shall be regarded as performing essential governmental functions.

6 Definitions.

I. As used in this act the following words and terms shall have the following meanings:

(a) "Authority" — the industrial development authority or industrial park authority created by Chapter 546 of the Laws of 1971.

(b) "Board" — the board of directors of the authority.

(c) "City" — the city of Dover.

(d) "Council" — the city council of the city of Dover.

(e) "Rent" — the payments which a tenant is obligated to make under an industrial park lease or an industrial development lease.

(f) "Tenant" — the person primarily liable for the pay-

ment of rent under an industrial park lease or an industrial development lease.

II. As used in this section, sections 3 through 9 and sections 19 and 20 of this act the following words and terms shall have the following meanings:

(g) "Industrial park project" — any project for the acquisition by gift or purchase and the development of land within the city as the site for an industrial park, and for the purposes of this definition the term "development of land" includes the provision of water, sewage, drainage, or similar facilities, or of transportation, power, or communication facilities, which are incidental to use of the site as an industrial park, but, except with respect to such facilities, such term does not include the provision of structures or buildings. The term industrial park project shall also include any project for the expansion or further development of an industrial park.

(h) "Industrial park building project" — any project to be undertaken by the authority for the construction, expansion or improvement of a building or structure, including machinery or equipment, which shall be suitable for use for manufacturing, warehousing, processing wastes or other industrial purposes and which is to be located in an industrial park established under this act.

(i) "Industrial park lease" — a written instrument to which the authority and a tenant are parties and which provides for the use and occupancy of land in an industrial park, or land and all or part of an industrial park building, or part of an industrial park building, and which also provides for the payment of rent.

III. As used in this section and sections 10 through 20 of this act the following words and terms shall have the following meanings:

(j) "Bond" — an evidence of indebtedness which is issued by the authority under this act to finance an industrial development project in whole or in part, or to refund indebtedness incurred for that purpose, and which is payable solely from revenues, other than taxes or payments in lieu thereof, derived from such project or facility.

(k) "Industrial development project" — the establishment or expansion of an industrial development facility within the city which is financed in whole or in part, by the issue of bonds.

(l) "Industrial development facility" — any land, any building, structure or other improvement and all real and personal properties, including but not limited to machinery and equipment, which shall be suitable for use for manufacturing, warehousing, processing wastes, or other industrial purposes, but not including raw materials, work in process or stock in trade. Facilities incidental to the foregoing such as utility lines, storage accommodations and transportation facilities shall be deemed to be part of an industrial facility.

(m) "Industrial development lease" — a written instrument to which the authority and a tenant are parties and which provides for the use and occupancy of an industrial facility and the payment of rent.

(n) "Industrial development project costs" — the costs of establishing or expanding an industrial development facility and of placing the same in operation. Such costs may include the costs of:

(1) Acquiring land, buildings, structures and facilities, whether by purchase or construction;

(2) Acquiring rights in or over land, air or water;

(3) Improving land and improving buildings, structures and facilities by remodeling, reconstruction or enlargement;

(4) Acquiring and installing machinery and equipment;

(5) Obtaining professional or advisory services;

(6) Interest prior to and during construction and until one year after the completion of a project;

(7) Creating reserves; and

(8) Any other costs or expenses which are reasonably incidental to an industrial development project.

(o) "Trust indenture" — a written instrument between the authority and any national bank or trust company doing business in the state of New Hampshire or in the Commonwealth of Massachusetts, as trustee, which secures one or more series of bonds.

IV. Whenever the context so requires, the meanings of the words and terms as defined above may be appropriately modified.

7 Industrial Parks and Buildings. The city, acting through the authority, may engage in industrial park projects and industrial park building projects and may operate and maintain industrial parks and industrial park buildings. Such operation shall include the sale or lease of industrial park land, or interests therein, and the sale or lease of industrial park buildings or parts thereof. The authority may also impose reasonable fees and charges upon owners, tenants or occupants of land, building or facilities located in industrial parks for services furnished by the authority. The cost of engaging in industrial park projects and industrial park building projects and the costs of operating and maintaining industrial parks and industrial park buildings may be appropriated by the council and advanced to the authority or may be met from revenues derived from the operation of such parks and buildings. Until the authority has paid to the city an amount equal to the total of all sums advanced to the authority by the city to finance industrial park projects and industrial park building projects and also an amount equal to all interest paid by the city with respect to such advances which were raised by borrowing, all revenues derived from the operation of such parks and buildings, less the necessary maintenance costs thereof which may be expended by the authority without appropriation by the council, shall be paid to the city. After payment to the city of the amounts described in the preceding sentence, the authority may expend revenue from operations without appropriation by the council for additional industrial park projects and industrial park building projects. Sums advanced to the authority by the city to meet operating and maintenance costs shall be repaid by the authority, if the council so requires at the time of making such advances.

8 Sales and Leases. The sale of any industrial park land, interests therein or industrial park buildings or parts thereof shall be on such such terms and conditions as the authority deems appropriate, except that no property may be sold for less than the fair value thereof as determined by the authority. Industrial park leases shall contain such terms and conditions as the authority deems appropriate and may be for periods, including extensions or renewals thereof exercisable solely at the

tenant's option, of not more than fifty years. No property shall be leased for less than the fair value thereof as determined by the authority. In determining the fair value of property for the purpose of its sale or lease, the authority shall obtain and consider an opinion as to its value for such purpose furnished by a qualified and independent real estate appraiser. Any determination of fair value reached by the authority in good faith shall be conclusive.

9 Determinations of Public Purpose.

I. The authority shall not engage in any industrial park project or any industrial park building project unless the council has found after a public hearing, of which notice shall be given by publishing at least once in a newspaper of general circulation in the city at least five whole days before such hearing, that the proposed project and the operation of the same will serve a public use and provide a public benefit and that the proposed activity will be within the policy of, and the authority conferred by, this act. Such determination may be made by the council upon the written recommendation of the authority supported by such documentation and information as the council may require, if the council first finds that:

(a) The proposed industrial park project or the proposed industrial park building project is feasible;

(b) It is probable that the city will recover from the authority in accordance with section 3 of this act the full amount of advances from the city to the authority and interest costs incurred by the city to finance the project within a reasonable period, but such period need not be limited by the term of any borrowing or borrowings by the city for the purpose of making such advances;

(c) Engaging in the project will alleviate or prevent unemployment or underemployment, either in whole or in part, in the city or in the region in which the city is located;

(d) That a proposed industrial park project is consistent with existing plans for the development of the city and any city ordinance regulating the use of land;

(e) That a proposed industrial park building will be suitable for use for manufacturing, warehousing, processing wastes or other industrial purposes and that its construction will conform to any applicable building code;

(f) It is probable that the proposed project will generate for the city tax receipts, payments in lieu of taxes or other revenues which are in the aggregate greater than the estimated costs to the city of furnishing public services to any owners, tenants or occupants of the project; and

(g) The proposed project will aid the development, growth and prosperity of the city and the region in which the city is located.

10 Bonds for Industrial Parks. The city may borrow money pursuant to the Municipal Finance Act for the purpose of engaging in industrial park projects without regard to any debt limit imposed by the Municipal Finance Act, but the aggregate fact amount of bonds or notes issued under this section for such purpose shall not exceed one million five hundred thousand dollars outstanding at any one time.

11 Bonds for Industrial Park Buildings. The city may borrow money pursuant to the Municipal Finance Act for the purpose of engaging in industrial park building projects without regard to any debt limit imposed by the Municipal Finance Act, but the aggregate face amount of bonds or notes issued under this section for such purpose shall not exceed five hundred thousand dollars outstanding at any one time.

12 Other Provisions Concerning Notes and Bonds. Notes issued in anticipation of bonds authorized under either of the two preceding sections shall not be deemed outstanding debt when such bonds are issued. Indebtedness incurred under either or both of said sections shall at no time be included in the net indebtedness of the city in order to determine its borrowing capacity for any purpose other than those authorized by said sections.

13 Covenants with Bond Holders. The city, by resolution of its city council, may covenant with holders of its bonds issued under sections 6 and 7 of this act, in such manner and to such extent as the council deems necessary, that the city will act in such a way as to preserve, or refrain from acting in such a way as to defeat, any exemption from federal income tax which may be applicable with respect to interest on such bonds at the time when they are issued.

14 Powers of the Authority with Respect to Industrial Development Projects.

I. The authority shall have the following powers:

(a) To engage in industrial development projects and to acquire, own and dispose of industrial development facilities within the city.

(b) To issue bonds to pay industrial development project costs, or to reimburse a tenant for payments for such costs made before or after the bonds are issued, or to refund bonds previously issued.

(c) To lease industrial development facilities as owner and lessor.

(d) To mortgage, pledge or assign as security for bonds, through use of a trust indenture or otherwise, any interest which the authority may have in an industrial development facility as owner and lessor.

(e) In the event of a default by a tenant, to lease or sell the industrial development facility to another person in whole or in part.

(f) To make contracts or take any other action which is necessary or desirable in connection with the exercise of the foregoing powers.

II. Nothing in this act shall be construed to authorize the authority to operate an industrial development facility itself or to conduct any business enterprise therein.

15 Industrial Development Leases.

I. Every industrial development lease shall:

(a) Provide for the payment of rent by the tenant at such times and in such amounts as are necessary in order to pay the principal and interest of all bonds issued to finance the industrial development project as they become due; and

(b) Obligate the tenant to pay all the costs and expenses of operation, maintenance and upkeep of the industrial development facility.

II. Any industrial development lease may:

(a) Provide for payments of rent which include amounts in addition to the amounts required to pay bonds;

(b) Obligate a tenant to pay rent before the industrial development facility exists or becomes functional and to pay rent after the industrial development facility has ceased to exist or be functional to any extent and from any cause whatsoever;

(c) Obligate a tenant to pay rent regardless of whether the tenant is in possession or is entitled to be in possession of the industrial development facility;

(d) Allocate responsibility between the authority and the tenant for making purchases and contracts required for the industrial development project;

(e) Contain a tenant's option to purchase the industrial development facility from the authority for nominal consideration upon payment of the bonds or upon the tenant's making adequate and secure provision for their payment and provide for the automatic conveyance of the industrial development facility upon the effective exercise of such option;

(f) Provide that some or all of the tenant's obligations thereunder shall be unconditional and shall be binding and enforceable in all circumstances whatsoever notwithstanding any other provision of law; and

(g) Contain such other provisions and covenants relating to the use, maintenance and replacement of the industrial development facility which the authority and the tenant deem necessary for the protection of themselves or others.

III. No industrial development lease may be for a term of more than forty years.

16 Trust Indentures.

I. A trust indenture may contain a mortgage, pledge or assignment of all or part of any interest or right which the authority may have as the owner or lessor of an industrial development facility. Any pledge or assignment of a right to receive money which is contained in a trust indenture shall be fully effective from the time when the trust indenture is executed with or without any subsequent physical delivery or segregation of such money and without any filing or recording under the uniform commercial code or otherwise.

II. A trust indenture may also contain covenants of the authority as to:

(a) The creation and maintenance of reserves;

(b) The issuance of other bonds with respect to the industrial development facility;

(c) The maintenance, repair and replacement of the industrial development facility;

(d) The insurance of the industrial development facility against risk of loss;

(e) The custody, investment and application of moneys;

(f) The use of surplus bond proceeds;

(g) Action by the authority in the event of a default by the tenant under the industrial development lease;

(h) The subjecting of additional property to the lien of the indenture;

(i) Any other matter which affects the security for the bonds in any way.

III. A trust indenture may limit the rights of bond holders to enforce obligations of the authority under the trust indenture or obligations of the authority or the tenant under the industrial development lease.

17 Bonds.

I. Bonds authorized under this act may be issued:

(a) In one or more series of one or more denominations and bearing one or more rates of interest;

(b) In bearer form or registered form with or without privileges of conversion and reconversion from one form to the other;

(c) Payable in serial installments or as term bonds, and any series may consist of both types of bond, provided that all of the bonds of every series shall mature no later than forty years after their dates; and

(d) Subject to redemption prior to maturity, with or without the payment of any redemption premium, in accordance with the provisions of the trust indenture.

II. Bonds shall bear the manual signature of the chair-

man of the board and the manual or facsimile signature of at least one other member of the board; and interest coupons, if any, shall bear the facsimile signature of the chairman. Bonds shall also bear the seal of the authority or a facsimile of the seal. Bonds executed as herein provided shall be valid notwithstanding that before the delivery thereof and payment thereof any or all the persons whose signatures appear thereon shall have ceased to hold office.

III. Every bond shall bear a statement on its face that it does not constitute an indebtedness of the city or the authority except to the extent permitted by this act. Bonds may be sold at public or pivate sale. The price at which bonds are sold may be par or may be more or less than par, but the original purchaser thereof shall be obligated to pay accrued interest for the period, if any, from the date of the bonds to the date of delivery. All bonds issued under this chapter and interest coupons applicable thereto, if any, shall be deemed to be negotiable instruments and to be investment securities under the uniform commercial code.

IV. No purchaser of bonds shall be in any way bound to see to the proper application of the proceeds thereof.

18 Approval of the Council.

I. The authority shall not acquire any industrial development facility, or execute any industrial development lease or trust indenture or issue any bonds with respect thereto, unless the council has found after a public hearing, of which notice shall be given by publishing at least once in a newspaper of general circulation in the city at least five whole days before such hearing, that the proposed acquisition, leasing, operation and use of such industrial development facility will serve a public use and provide a public benefit and that such acquisition and leasing will be within the policy of the authority conferred by this act. Such determination may be made by the council upon the written recommendation of the authority supported by such documentation and information as the council may require, if the council first finds that:

(a) The proposed industrial development project and the financing thereof are feasible;

(b) The establishment and operation of the industrial

development facility will alleviate or prevent unemployment or underemployment, either in whole or in part, in the city or the region in which the city is located;

(c) The industrial development facility will be suitable for industrial, manufacturing, waste processing, or warehousing purposes;

(d) The proposed tenant has the skills and financial resources necessary to operate the industrial development facility successfully;

(e) Adequate provision has been made or will be made for the payment of the cost of the construction of the industrial development facility and that under no circumstances will the city be obligated directly or indirectly, for the payment of the cost of construction of such industrial development facility, or for the payment of the principal of, or interest on, any obligation issued to finance such construction from funds other than those received under the provisions of the lease or the trust indenture;

(f) Adequate provision has been made or will be made in the industrial development lease for the payment of all costs of operation, maintenance, and upkeep of the industrial development facility by the tenant or occupant so that under no circumstances will the city be obligated, directly or indirectly, for the payment of such costs from funds other than those received under the provisions of the industrial development lease or the trust indenture; and

(g) The proposed acquisition, leasing, operation and use of such industrial development facility will aid in the development, growth and prosperity of the city and the region in which the city is located.

19 Obligations of the City. No industrial development lease, trust indenture, bond or other instrument shall in any way obligate the city to raise any money by taxation or use other public funds for any purpose in relation to an industrial development facility. Neither the city nor the authority shall pay or promise to pay any debt or meet any financial obligation to any person at any time in relation to an industrial development facility financed in whole or in part by the issue of bonds, except from moneys received or to be received under the provisions of an

industrial development lease or trust indenture entered into under this act or derived from the exercise of the authority's rights under such instruments. Notwithstanding the foregoing provisions of this section, the authority may accept and expend with respect to an industrial development facility any gifts or grants received from any source in accordance with the terms of such gifts or grants. Bonds issued under this act to finance industrial development projects shall not be deemed indebtedness of the city for the purpose of determining the city's power to borrow money under sections 6 and 7 of this act, the Municipal Finance Act or any other enabling authority whether enacted before or after the effective date of this act.

20 Action by the Authority. All actions by the authority under this act may be authorized by resolutions of the board passed on the affirmative votes of five members.

21 Trust Funds. All moneys received or held pursuant to an industrial development lease or a trust indenture shall be deemed to be trust funds to be held and applied solely in accordance with the industrial development lease or the trust indenture.

22 Bonds Exempt from Taxation. All bonds and the interest thereon shall be exempt from taxation in the state of New Hampshire.

23 Tax Exemption and Payment for Services in Lieu of Taxes. Any industrial park or part thereof, any industrial park building or any industrial development facility while owned by the city is declared to be public property and shall be exempt from all taxes and special assessments of the city; provided that in lieu of such taxes and special assessments the city shall require any tenant or occupant of any such industrial park or part thereof, industrial park building or industrial development facility to make payments annually to the city for such tenant's or occupant's just share of the public expense, including but not limited to education, highway maintenance, fire and police protection and other similar public expenses and governmental services, and provided further that the state tax commission shall determine, after a hearing thereon, that such payments constitute a just share of the public expense.

24 Construction and Effect of Other Laws.

I. The powers conferred by this act are supplemental and alternative to other powers conferred by law.

II. No notice, proceedings or approval shall be required with respect to any action taken under this act except as provided in this act.

III. Purchases and contracts required for any industrial park project, industrial park building project or industrial development project may be made or let without regard to any provision of law relating to public purchases or contracts.

IV. The provisions of this act shall be liberally construed in order to effect its purposes.

V. If any provision of this act shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

VI. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

25 Effective Date. This act shall take effect upon its passage.

Sen. KOROMILAS: The amendment is the substance of HB 52. It pertains to Dover and authorizes the City of Dover to acquire, develop and operate industrial parks within the city and to aid the construction and expansion of industrial facilities within the city by the issue of revenue bonds. This pertains only to Dover. The City Council is in favor of this legislation. The House had a delegation selected and it has been sitting in the delegation and has never been brought forward. I have advised the members of the Dover Delegation in the House that I am going to do this because I feel, as I have in the past, it is not a good idea to buttonhole and keep something in committee without having it come up. This bill has gone to the Supreme Court and has been tested on its constitutionality and the court has said it is proper. For that reason, I move its adoption.

Amendment Adopted.

Sen. Jacobson moved adoption of an amendment.

Sen. JACOBSON: These 3 items — sections 7, 12 and 15 of HB 42 — are not in any way "sneaky petes." They are necessary pieces of legislation which will correct incongruities in the present statutes and, if not adopted, will create a whole host of municipal problems in 2 instances and a problem for the Pierce Brigade in the 3rd instance.

Let me take number 7 first. This amendment was proposed by Eric Varrill who is bond counsel for Palmer, Dodge & Company in Boston which handles the certification of all bonds for municipalities and school districts in New Hampshire. He has stated in a letter to Attorney Sewall of Salem, which has been forwarded to Mr. Arthur Marx, that the bond issues which are postponed or recessed will not be approved even if voted with a two-thirds vote unless this amendment is in the statutes. There are school districts and there are towns that have recessed their meetings in order to bring up the bond issue. The reason why they have recessed their meetings is because, if they adjourn the meeting and call a special meeting, they require 50% of the checklist to be present to vote on a money matter. So, to avoid that particular statute, they have recessed the meeting. They have consulted with bond counsel and he has come back with this and said this is the way it must be done before we can accept the bonds. I am hopeful that the House will accept this because it is important to every municipality and school district.

Item 12 is the Pierce Brigade item and this was passed in the 1970 special session. The then — Chairman of the Senate Finance Committee put an amendment to it which said that any federal funds received from the Pierce Brigade project would be returned to the state to reimburse the state for any money the state spends. It has now come to light that, if that provision of Chapter 17, section 3 of the Laws of the Special Session of 1970 prevails, we can get no federal funds because the federal government will not give funds to reimburse the state. So, the Pierce Brigade is in a bind and, unless this little bit of legislation passes, they will be ineligible for federal funds. It was the desire of both houses of the Legislature to establish this historic situation with regard to our only President who has come from the State of New Hampshire and it seems to me that this is a reasonable thing to do.

Then 15 is another problem. In the 1971 Session, we

passed a law which allows regional school districts to elect their school district officers at the town meetings of the pre-existing school districts and in that law we said that those elected to the school district vis-a-vis this method would take office at the close of town meeting or at the close of the first annual school district, whichever occurs first. Then we established another law in the same section which says that the cooperative school district meetings shall take place between March 15 and April 30 so we got into the incongruous position of voting out school board members who had spent the whole time getting the budget ready and electing new people who would then have to be in front of the meeting to defend a budget which they themselves had never developed. This amendment makes it so that when that individual is elected vis-a-vis a town meeting to a regional school district, for example, he will then not take office until after the first annual school district meeting after that election.

These are 3 items that were in HB 42 that I believe are fundamentally necessary for the functioning of municipalities and for the Pierce Brigade.

Sen. NIXON: With great respect for those who wish to see the passage of what they consider to be important legislation by way of amendments at this late date, I would suggest there is not going to be any degree of favorable consideration whatsoever to any of these amendments in the House at this particular time. I think the attitude and consensus of mind in the House, insofar as any amendments that are to be proposed to any bill that we are now considering, is going to be negative. Thus, I would suggest to you that if you believe there is merit in the passage of HB 81 as we received it in terms of the legalization of the town meetings specified for the benefit of the people in these several towns, then I think this amendment now being proposed should be defeated. And then secondly, acting responsibly, we should reconsider our action whereby we passed prior amendments and defeat those amendments also, notwithstanding the recognition on my part of the merit in the amendments.

I would speak against the proposed amendment and then, if I am given that courtesy, I would then move to have us reconsider our action and defeat those amendments and let HB 81 pass as we received.

ROLL CALL

Requested by Sen. Nixon. Seconded by Sen. McCarthy.

Yeas: Sens. Lamontagne, Poulsen, Townsend, Gardner, Jacobson, English, Leonard, Ferdinando, Provost and Brown.

Nays: Sens. S. Smith, Spanos, Nixon, Porter, R. Smith, McCarthy, Marcotte, Koromilas, Downing and Foley.

Result: Ten Senators having voted in the affirmative and Ten having voted in the Negative, the Amendment Lost.

Ordered to Third Reading.

RECONSIDERATION

Sen. S. Smith moved reconsideration of HB 81.

Sen. S. SMITH: I moved Reconsideration, having voted with the majority, so that the Senate can fully reevaluate what we have been doing. I would agree with Senator Nixon that if the bill had passed with a number of amendments as was being proposed, this bill faced little chance in the House. However, I shall vote for the 2 amendments which we have reconsidered. I think both have a chance and an opportunity to pass the House.

Sen. NIXON: I rise briefly in support of the Motion for Reconsideration. I think the House has spoken in regard to some of the amendments which have been proposed. I think the House has also spoken with regard to the idea of non-germane amendments generally. It has spoken loud and spoken frequently. I think the question all of us have to decide is whether or not we think the interest of the people in the towns who want these meetings legalized should prevail because, if we think that, then I think it is pretty clear we should knock off the other amendments and let the bill go through clean. Now that is a practical proposition and I submit to you there is some sense to it at this time. On the other hand there are those, I suppose, who might say that these amendments have merit and I think there is merit to them. But this is not the time for that merit to be predominant. I think the interest of the people in those towns who want to legalize their meetings should prevail and should be most influential in our minds at this time. So I would ask you to go along with the Majority Leader's Motion for Reconsideration and then I

would ask you to give serious consideration to stripping the bill of the amendments which we have now attached to it.

Sen. LAMONTAGNE: I rise in oposition to the motion. I feel the amendments that have been put on are worthwhile and have been adopted by the majority of this Senate and I don't think we should be talking for the House. Let's leave the House see what they will do for themselves.

Sen. LEONARD: I rise in opposition to this Motion. I think that if the House does not like these amendments, they can take them off the bill. This is not a Committee of Conference. If they want to knock off 3 parts of this bill pertaining to town meetings, which are necessary and important, that is their business. I don't think we should kowtow to the House every time we come to the end of a session. They have their procedures where they can take care of this. If they want to kill the bill, they will kill it.

Sen. McCARTHY: I rise in support of this motion and I do so for the same reasons as Sen. Nixon has mentioned. I think the merit of the bill itself far outweighs the amendments and I share the same fears that he does about losing a very good thing.

Sen. KOROMILAS: I rise in opposition to the Motion to Reconsider.

Sen. BROWN: I rise in opposition to the Motion. I believe this joint venture amendment should be on there. I can't conceive the House agreeing to double taxation.

Reconsideration Lost.

SUSPENSION OF THE RULES

Sen. Jacobson moved the Rules of the Senate be so far suspended as to place on third reading and final passage at this time: HB 81.

Adopted.

Third Reading and Final Passage

HB 81, legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton, and Hooksett, and authorizing the city of Dover to acquire, develop and operate industrial parks within the city and to aid the construction and

expansion of industrial facilities within the city by the issue of revenue bonds.

Adopted.

RECONSIDERATION

Sen. Lamontagne moved Reconsideration of HB 81.

Reconsideration Lost.

HOUSE ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible.

ENROLLED BILLS REPORT

SB 17, providing for an emergency temporary zoning and planning ordinance and for the adoption of the same in emergencies, and establishing an interim committee to study and report on the establishment of an environmental protection department.

SB 24, relative to solid waste disposal.

HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible.

HB 43, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes and relative to other matters.

HB 49, making appropriations for capital improvements and amending the 1969 capital budget.

Sen. Ferdinando
For The Committee

Adopted.

Sen. Spanos moved that when the Senate adjourn from the Special Session, it do so in honor of Greek Independence Day which falls on Saturday, March 25 and which celebrates the independence of the Greek people from the Turks in 1821; the independence of the female specie from the yoke of the male;

and heralds the independence of several Hellenes in the Chamber — Sen. Koromilas and Sen. Spanos — from the rigors of this very turbulent Special Session.

Adopted.

RECESS

AFTER RECESS

HOUSE MESSAGE

CONCURRENT RESOLUTION

The House of Representatives has passed the following Concurrent Resolution, in the passage of which it asks the concurrence of the honorable Senate:

RESOLVED By the House of Representatives, The Senate Concurring, that a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the Session and is ready to be adjourned and to receive any communication which he may wish to make.

The Chair appointed the following ten members of the House to this Committee: Reps. Bell, Griffin, Leighton, Galbraith, McLane, Hayes, Brungot, Peabody, Belanger and Dion.

Sen. Porter moved the Senate concur in the adoption of the Concurrent Resolution.

Adopted.

SENATE CONCURRENT RESOLUTION
SENATE CONCURRENT RESOLUTION 3

Resolved by the Senate, the House of Representatives Concurring:

That a Committee of five be appointed to join with such Committee as the House may designate to wait upon his excellency, the Governor, and inform him that the Legislature has completed the business of the Session and is ready to be adjourned and to receive any communications which he may wish to make.

Sen. Porter moved Adoption of the Concurrent Resolution.

Adopted.

The Chair appointed as members of said Committee: Sens. S. Smith, R. Smith, Porter, Lamontagne and Provost.

HOUSE CONCURRENCE IN SENATE AMENDMENTS

HB 81, legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton and Hooksett, and authorizing the city of Dover to acquire, develop and operate industrial parks within the city and to aid the construction and expansion of industrial facilities within the city by the issue of revenue bonds.

HOUSE REFUSAL TO ADOPT COMMITTEE OF CONFERENCE REPORT

HB 42, to suspend the implementing of certain governmental programs until such time as state and/or federal funding is available.

ENROLLED BILLS REPORT

HB 81, legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton, and Hooksett, and authorizing the city of Dover to acquire, develop and operate industrial parks within the city and to aid the construction and expansion of industrial facilities within the city by the issue of revenue bonds, and amending the business profits tax.

Sen. Provost
For The Committee

Adopted.

HOUSE CONCURRENCE

Senate Concurrent Resolution 3.

SENATE RESOLUTION

Sen. S. Smith offered the following Resolution and moved Adoption.

Resolved, That all bills and joint resolutions still pending in standing committees of the Senate and committees of conference, but excluding the Enrolled Bills Committee, are hereby found Inexpedient to Legislate.

Adopted.

SPECIAL SESSION
INTERIM STUDY COMMITTEES
SENATE PRESIDENT APPOINTMENTS

HB 24 (Chapter 49), establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles.
Appointed: Senators Steve Smith and Andrew Poulsen.

HB 36, establishing the N.H. municipal bond bank as a public body corporate and politic for the purpose of facilitating the borrowing of money by counties, cities, towns and districts.
Appointed: Senator Steve Smith.

HB 43 (Chapter 60, Section 57), making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes and relative to other matters.
Appointed: Ed Haseltine and Donald H. Johnson.

HB 44 (Chapter 56), providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973.
Appointed: Senator Howard Townsend.

HB 45 (Chapter 51), authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved, providing for regulations relative to the distribution and receipt of surplus commodities, and establishing a committee to study improvement in the commodity food distribution program.
Appointed: Senators Edward Snell and Laurier Lamontagne.

SB 3 (Chapter 43), establishing an interim legislative committee to investigate and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution.
Appointed: Senators Frederick Porter, Robert English, Harry Spanos, and William McCarthy.

SB 18 (Chapter 19), establishing a committee to study the question of recall of public officials by the electorate.
Appointed: Senators Andrew Poulsen, Arthur Tufts, and Delbert Downing.

SJR 1 (Chapter 34), establishing an interim committee to study the role of the judiciary relative to the concept of the separation of powers.
Appointed: Senators Alf Jacobson and Richard Leonard.

PROROGUE BY GOVERNOR

Mr. President and Honorable Members of the Senate, I have been informed by the Joint Committee of the Senate and House of Representatives that you have completed the business of the Session. Therefore now, by the authority vested in me as Governor, I do hereby declare the General Court of New Hampshire adjourned until the last Wednesday in December in the Year of our Lord 1972.

Prayer was offered by Mrs. John Bradshaw.

O Thou who are the sovereign Ruler of all peoples, and who dost love all Thy children, for the leaders and rulers and representatives of all nations and states we ask Thy direction, that they may act wisely and without pride, and may promote peace and harmony among all peoples and establish justice in our common life. Continue to bless our leaders in government, that their efforts may be matched with those in industry and commerce, in education, the arts and sciences, with whom we are bound together in this bundle of life, in building a better world through the wise use of all Thy gifts. As we are mindful of the needs of this day, encourage every noble hope, strengthen every righteous purpose, and inspire each of us spend ourselves in meaningful service as a tribute to Thee for Thy loving-kindness toward us. Amen.

Sen. Porter moved the Senate adjourn at 9:15 p.m.
Adopted.

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adop	adopted
am	amended, amendment
com	committee
re	relative to
res	resolution

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adop	adopted
am	amended, amendment
com	committee
conc H am	Senate concurred in House amendment
conf	referred to conference committee
enr	enrolled
Finance	referred to Finance committee
H conc	House concurred
intro	introduced
JC	referred to judicial council
K	killed
LT	laid on table
nonconc	nonconcurred
psd	passed
RC	roll call
re	relative to, relating to
recon	reconsideration
reintro	reintroduce
rej	rejected
rep	report
SO	special order

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New title: Re sale of liquor at golf clubs, indoor tennis clubs, racquet clubs, and nonprofit clubs.
18, am 100-102, psd 133, H conc 235, enr 318 (Chapter 30)

SB 20 To license private detectives and private detective agencies. (Nixon)
18, am 105-111, psd 133, H conc 235, enr 318 (Chapter 35)

SB 21 Re the age of majority. (Porter)
23, am 111-116, psd 133, nonconc H am, conf 224-225, 226, new conf 383-384, K 510

SB 22 Re legislative ethics. (Koromilas)
23, am 116-122, psd 133, recon rej 134, H nonconc 236

SB 23 Requiring that a capias may be served by police officers. (Leonard)
39, am 122-123, psd 133, JC 187

SB 24 Re solid waste disposal. (Bradshaw)
51, am 123-125, psd 133, nonconc H am, conf 226, 227, new conf 356, rep adop 388-392, 472, enr 508 (Chapter 59)

SB 25 To provide penalties for violation of the disclosure of information laws relating to horse and greyhound racing, and to amend the provisions relating to disclosure of information. (Nixon)
67, am 125-127, psd 133, H conc 235, enr 318 (Chapter 32)

SENATE JOINT RESOLUTION

SJR 1 Establishing an interim committee to study the role of the judiciary re the concept of the separation of powers. (Jacobson)
35, psd 98-100, 133, H conc 235-236, enr 318-319, com members appointed 512 (Chapter 34)

SENATE CONCURRENT RESOLUTIONS

SCR (a) That the joint rules of the 1971 session, as amended in accordance with the copy of the joint rules which has been distributed and is now in the possession of all members, be adopted as the joint rules of the 1972 Special Session. (S. Smith)
adop 8-12, H conc 18

SCR 1 Memorializing the President regarding the treatment of Jews in the Soviet Union. (Rules)
18, psd 49-50, suspension of rules to reintro same subject matter rej (RC) 378-381, K 510

SCR 3 That a committee of five be appointed to join with such committee as the House may designate to wait upon his excellency, the Governor, and inform him that the Legislature has completed the business of the session and is ready to be adjourned and to receive any communications which he may wish to make.
adop 509-510

HOUSE BILLS

HB 3 Correcting certain errors in the acts re reapportionment of Keene representatives to the general court and delegates to the state convention.
134, psd 141-142, 144-145, enr 146-147 (Chapter 5)

HB 4 Re public outdoor entertainment.
67, psd 236-237, 313, recon rej 314, enr 344 (Chapter 38)

HB 6 Increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds.

New title: Increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds and authorizing the town of Lincoln to issue emergency notes.
134, am 205-213, 214, H nonconc, conf 223, rep adop 354-355, 382, enr 386 (Chapter 48)

HB 7 Authorizing state agencies to maintain certain records to qualify for federal funding.
New title: Authorizing state agencies to maintain certain records to qualify for federal funding and providing for inclusion of the social security amendments of 1971.
39, am & psd 316-318, H conc 356, enr 382 (Chapter 46)

HB 8 Authorizing the department of education to apply for and expend federal funds available for technician and vocational-technical training programs.
23, psd 149, 158-159, enr 159 (Chapter 12)

HB 9 Authorizing and directing the technical institute and vocational-technical colleges to become accredited as soon as possible.
39, am 155-158, psd 159, H nonconc, conf 189, rep adop 473-475, 508, enr 508 (Chapter 61)

HB 10 Re state aid for sewage disposal facilities.
23, SO 152-155, am & psd 185-187, H conc 236, enr 319 (Chapter 28)

HB 11 To increase the borrowing power of the town of Pembroke.
23, psd 97-98, 133, enr 137 (Chapter 2)

HB 12 Re insurance on state owned pressure vessels.
134, SO 172-175, psd 197-199, 214, enr 215 (Chapter 24)

HB 13 To abolish the Enfield village fire district in the town of Enfield and transfer its functions to the town of Enfield.
23, am 37, psd 38, H conc 50, enr 52 (Chapter 1)

HB 14 Re the exclusive civil jurisdiction in district courts.
39, psd 149-150, 159, enr 159 (Chapter 13)

HB 15 Legalizing certain town meetings in the towns of Auburn and Newington and certain votes and proceedings of the planning board of the town of Newington.
New title: Legalizing certain town meetings in the towns of Auburn, Farmington, and Newington and certain votes and proceedings of the planning board of the town of Newington.
39, am 138-139, psd 145, H conc 147, enr 159 (Chapter 10)

HB 16 Re tax exemption for reclaiming swamps.
39, psd 127-128, 133, enr 137 (Chapter 3)

HB 17 Establishing the rights of policemen.
134, am & psd 359-371, H conc 383, enr 388 (Chapter 64)

HB 19 Authorizing Nathaniel Hawthorne College to grant baccalaureate degrees.
39, psd 149, 159, enr 159 (Chapter 14)

HB 20 Providing that children of prisoners of war in South East Asia be given free tuition in the state's institutions of higher learning.
134, am & LT 237-238, 348, psd 354, 371, H conc 383, enr 387 (Chapter 54)

HB 21 Re the N. H. American Revolution Bicentennial Commission.
39, psd 139-140, 145, enr 147 (Chapter 6)

HB 24 Establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles.

See also Subject Index preceding this index

134, Finance 238-239, am 328-329, psd 346, H conc 382, enr 386, com members appointed 511 (Chapter 49)

HB 25 Establishing procedure for authorizing action by the spouse or next of kin of prisoners of war or persons missing in action.
39, psd 150-151, 159, enr 159 (Chapter 15)

HB 26 Amending the provisions of the charter of the city of Manchester re competitive bidding in certain cases.
134, com changed 138, am 190-192, psd 214, H conc 236, enr am 345, enr 386 (Chapter 50)

HB 34 Permitting appeals from municipal and district courts in neglected children matters.
40, psd 151-152, 159, enr 160 (Chapter 16)

HB 35 Permitting the town of Durham to change from a calendar year to a fiscal year accounting period, and providing for the dates and manner of collecting taxes in the transitional period.
67-68, psd 148-149, enr 160 (Chapter 9)

HB 36 Establishing the N. H. municipal bond bank as a public body corporate and politic for the purpose of facilitating the borrowing of money by counties, cities, towns, and districts.
study com members appointed 511

HB 37 Providing workmen's compensation coverage for all volunteer or auxiliary members of fire or police departments, whether paid or not paid.
40, psd 218-219, 223, recon rej 224, enr 344 (Chapter 39)

HB 38 Amending the Lebanon city charter to provide that the mayor shall make all appointments other than certain exceptions subject to the approval of the council.
134-135, com changed 138, K 203-205

HB 39 Re landlord and tenant rights.
135, psd (2 RC's) 160-170, 187, enr 213 (Chapter 26)

HB 40 Accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death.
New title: Accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death and providing for special permits for lumber trucks.
137, am & LT 325-328, am 347, psd 371, H conc 383, enr 387 (Chapter 55)

HB 41 Re voter registration by town and city clerks.
68, am 221-222, psd 223, recon rej 224, H nonconc, conf 226, new conf 356, 2nd new conf 386, K 510

HB 42 To suspend the implementing of certain governmental programs until such time as state and/or federal funding is available.
135, LT 348-354, am 372-378, psd 381, H nonconc, conf 383, 387-388, H nonconc conf rep 510

HB 43 Making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, and non-academic employees of the university system, establishing a state classified personnel and management study commission and making appropriations therefor.
New title: Making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes and re other matters.
137, am (RC) 246-302, psd 313-314, H nonconc, conf 315-316, rep adop (RC) 393-472, 477, enr 508, com members appointed 511 (Chapter 60)

HB 44 Providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973.
137, psd (RC) 329-344, 346, enr 387, com members appointed 511 (Chapter 56)

HB 45 Authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved.
First new title: Authorizing payment of relocation assistance in eminent domain takings in which federal funds are involved and re N. H. distributing agency.
Second new title: Authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved, providing for regulations re the distribution and receipt of surplus commodities, and establishing a committee to study improvement in the commodity food distribution programs.
68, am 175-179, psd 187, H conc 236, enr am 316, enr 387, com members appointed 511 (Chapter 51)

HB 46 Establishing a line item budget for the city of Manchester.
New title: Establishing a line item budget for the city of Manchester and providing a four year term for the finance officer for the city of Manchester.
68, com changed 138, am 219-220, psd 223-224, H conc 236, enr am 345-346, enr 387 (Chapter 52)

HB 49 Making appropriations for capital improvements and amending the 1969 capital budget.
137, LT 192-195, am & Finance 199-203, psd 223, 224, H nonconc, conf 224, rep adop 477-478, enr 508 (Chapter 62)

HB 50 Providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed.
special com appointed 131, intro & Finance 146, psd 215-218, 224, enr 344 (Chapter 36)

HB 54 Authorizing an amendment of the Amherst-Milford authorized regional enrollment area plan in order to reduce the number of grades covered by the plan.
135, psd 140, 145, enr 147 (Chapter 7)

HB 55 Exempting the real and personal property of the Nashua Historical Society from taxation and repealing the limitation on the amount of property said society may hold.
68, psd 239, 314, enr 344 (Chapter 40)

HB 56 Re the procedure to be followed by medical referees.
135, psd 222, 224, enr 344 (Chapter 41)

HB 57 Re voter registration residency requirement.
New title: Re voter registration residency requirement and permitting city clerks to accept voter registrations.
68, am & psd 321-324, H conc 356, enr 387 (Chapter 47)

HB 62 Repealing statute on group marketing of motor vehicle insurance.
New title: Regulating mass marketing of property-liability insurance.
68, LT 196, 227-235, am & study com (RC) 302-313

HB 65 Requiring filing of social security numbers with department of probation.
135, psd 170-171, 188, enr 213 (Chapter 20)

HB 66 Providing for capital improvements by providing for construction of a state liquor store on the Central N. H. Turnpike at the Hooksett toll station and making an appropriation therefor.
137, Finance 195-196, LT 225, psd 240-241, 314, enr 344 (Chapter 42)

See also Subject Index preceding this index

HB 67 Exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter and making an appropriation therefor.
137, psd 329, 346, enr 387 (Chapter 53)

HB 68 Re permitted earnings for retired teachers and state employees.
First new title: Re permitted earnings for retired teachers and state employees and qualifying the commissioner of safety as a policeman member of the N. H. retirement system.
Second new title: Re permitted earnings for retired teachers and state employees and qualifying the commissioner of safety as a policeman member of the N. H. retirement system, and providing relief to any employee or teacher from the effect of the wage freeze.
135, am & Finance 179-182, am 242-243, psd 314, H conc 315, enr 345 (Chapter 37)

HB 69 Amending the charter of the city of Rochester by redrawing the ward lines to provide for five wards, and providing for the election of city officials on the basis of five wards; and reapportioning the representative districts in said city.
135, psd 140-141, 145, enr 147 (Chapter 8)

HB 71 Re the acquisition and disposal of industrial facilities.
135, am 243-246, psd 314, H conc 356, enr am 385-386, enr 388 (Chapter 57)

HB 72 Providing that each lobsterman fly his own distinctive colors or paint them on both port and starboard bow.
135, psd 196, 214, enr 215 (Chapter 25)

HB 73 Requiring positive action by the N. H. Port Authority to pre-empt the authority of towns or cities over ports, harbors, or navigable tide rivers.
135, psd 184-185, 188, enr 213 (Chapter 21)

HB 74 Re flammable fabrics.
135, am 319-321, psd 325, H conc 356, enr 357 (Chapter 45)

HB 77 Re the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature.
135, psd 171-172, 188, enr 213 (Chapter 22)

HB 81 Legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton, and Hooksett.
New title: Legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton, and Hooksett, and authorizing the city of Dover to acquire, develop, and operate industrial parks within the city and to aid the construction and expansion of industrial facilities within the city by the issue of revenue bonds, and amending the business profits tax.
intro & LT 473, am (2 RC's) & psd 482-508, H conc & enr 510 (Chapter 63)

HOUSE JOINT RESOLUTIONS

HJR 3 To authorize Portsmouth and Dover to verify their checklists in 1972 rather than 1973.
New title: To authorize certain cities to verify their checklists in 1972 rather than in 1973.
136, am 183-184, psd 188, H conc 236, enr 319 (Chapter 33)

HJR 4 Authorizing the register of deeds of Strafford County to deliver some of the old record books into the custody of the Woodman Intsitute for display purposes.
68, psd 185, 188, enr 213 (Chapter 23)

HJR 5 Establishing an interim committee to study a deferred tuition program for the state.
New title: Establishing an interim committee to study alternate system of financing higher education for the state.
136, am 357-358, psd 371, H nonconc, conf 383, new conf 386, K 510

HOUSE CONCURRENT RESOLUTIONS

HCR (a) Legalizing actions of the rules committee and scheduling of hearings by committees.
adop 13

HCR (b) That the rules of the 1971 session of the House, as amended in accordance with the copy distributed to all members and now in their possession, be adopted as the rules of the House for 1972 special session.
adop 8

HCR (c) That joint rule 12 be changed by striking out the words, "seventh legislative day" and substituting therefor, "eighth legislative day".
adop 131-132

HCR 1 Ratifying the Proposed Amendment of the Constitution of the United States extending equal rights to women.
adop (RC) 480-482

See also Subject Index preceding this index

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

JANUARY SESSION OF 1971

Evans Printing Company, Concord, N. H.

HOUSE JOURNAL

STATE OF NEW HAMPSHIRE

The House met at 11:00 a.m.

JOINT CONVENTION

Prayer was offered by House Chaplain Rev. William L. Shafer.

ETERNAL GOD, who art both Creator and Sustainer of all life, we give Thee thanks that Thou hast brought us to this, the beginning of another year. Help us to use it to enrich our own lives; to serve others and to be useful members of the family of mankind; to do Thy Will and to spread abroad Thy Kingdom; to enter into fuller fellowship with Thee and our fellowmen. Amen.

PLEDGE OF ALLEGIANCE

Sen. Spanos led the Joint Convention in the Pledge of Allegiance.

INTRODUCTION OF GUEST SPEAKER

The Chair introduced U. S. Senator Edmund S. Muskie who addressed the Joint Convention.

Sen. Lamontagne moved that the Joint Convention arise.

LEAVES OF ABSENCE

Reps. Doris Lynch, Fuller and Galbraith for the day because of illness.

RESIGNATIONS

September 11, 1971

Honorable Marshall W. Cobleigh
Speaker of the House

Dear Speaker Cobleigh:

Please consider this my resignation from the House as one

of the Representatives from Rockingham District No. 27 (Portsmouth, Ward 4). The effective date of such resignation is at the completion of the recessed regular session of the 1971 House, which reconvenes for reapportionment, redistricting and certain emergency purposes on September 22, 1971.

My resignation is compelled by the fact that I am about to accept a Federal appointment as Deputy Regional Administrator of the Boston Regional Office of the Law Enforcement Assistance Administration, U. S. Department of Justice. As such, I will be working from the Federal level with the Governor's Commission on Crime and Delinquency in New Hampshire and its counterpart in the other five New England States.

Needless to say, in the face of ever-mounting problems of all types, I regret leaving the N. H. General Court with its many rewarding and pleasant personal associations. Nevertheless in one of these major program areas, namely, comprehensive law enforcement and rehabilitation, I shall be in close contact with state, county, regional and local New Hampshire officials and citizen volunteers. And I shall retain our home in Portsmouth, of that you can be sure!

Sincerely,
Raimond Bowles

Rep. Bowles letter of resignation was accepted with regret September 29.

December 3, 1971

Honorable Marshall W. Cobleigh
Speaker of the House

Dear Marshall:

In view of the fact that I have moved my residence from District 24, Hillsborough County, it is my understanding that under the provisions of Article 14, Part Second of the Constitution, I can no longer represent said district in the House of Representatives.

In order to effectuate my resignation I am hereby informing you of my resignation in accordance with the provisions of RSA 14-A:2.

Sincerely,
Miles J. Cares

December 23, 1971

Honorable Marshall W. Cobleigh
Speaker of the House

Dear Marshall:

I wish to present to you, at this time, my resignation as a Representative to the General Court of New Hampshire from District No. 1, Belknap County, New Hampton and Center Harbor.

I have made this decision at this time on the advice of my doctor and at the request of my family. I do so, also, at this time so that the District, which I represent, may have time to elect a new member to fill my place for the coming special session which I think is a truly important session for the State of New Hampshire.

I wish to thank you for your many courtesies and to say I shall miss the active participation and the legislative affairs of the State. I shall also miss my many friends who have served with me on my various committee assignments.

I shall, of course, in the future strongly support as a private citizen by speaking and writing for clean waters for the State of New Hampshire.

Sincerely yours,
H. Thomas Urie

These resignations were accepted with regret.

QUALIFIED

Michael J. O'Keefe, Rockingham County, District 29 and John B. Tucker, Sullivan County, District 4, took and subscribed the oath of office for Representatives to the General Court before the Governor and Council on November 16, 1971.

Warren F. Metcalf, Coos County District 1 and Eugene S. Daniell, Jr., Merrimack County, District 15, took and subscribed the oath of office for Representatives to the General Court before the Governor and Council on December 16, 1971.

RESOLUTIONS

Reps. Roberts and Raiche offered the following resolutions:

Whereas, we have learned with regret of the deaths of the following members of the House of Representatives:

Rep. John P. Dempsey of Franklin
Rep. Romeo Lesage of Nashua
Rep. Fred Mudgett of Dover
Rep. Chester Noyes of Colebrook
Rep. Charles A. Weilbrenner of Goffstown, and

Whereas, these Representatives have served their communities faithfully and with efficiency and our loss will be keenly felt, therefore be it

Resolved, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to their families, and be it further

Resolved, that a copy of these resolutions be transmitted to their families.

Adopted unanimously by a rising vote and a minute of silent prayer.

PARLIAMENTARY INQUIRY

Rep. Gordon made the following parliamentary inquiry:

Mr. Speaker, this is the first time since last September 28th that I could ask you about the procedure under which the House adjourned on that day. I was not present at the adjournment, as it was recorded in the Journal, and was unaware of the legislature's intent. I am not here to fight. Rather, I am here with the hope of getting reasonable and logical answers to my inquiries.

In the notice of a meeting today the presiding officers based their summons upon an ". . . adjournment of the House and Senate, subject to the joint call of the Speaker and the President . . ." but, in the notice, no reference was made to when this authority was granted or to the source from whence this power came.

I ask: QUESTION 1: When did the Senate and the House give the Speaker and the President that joint power?

The Speaker: By the adjournment motion made and adopted by both houses 28 September, 1971.

QUESTION 2: Where in the Journals of the House and

Senate is joint action of those two bodies recorded which favors such joint power for two individuals?

The Speaker: In the Journals of the House and Senate for 28 September, 1971, as the final motion made in each House.

QUESTION 3: Did the House and Senate jointly agree to a procedure on, and conditions of, adjournment at their last lawful assembly?

The Speaker: Yes.

QUESTION 4: May the General Court adjourn itself, finally, house by house, or must it adjourn by authority of a concurrent resolution which tells its presiding officers how to declare adjournment?

The Speaker: It may adjourn itself, finally, house by house.

CONCURRENT RESOLUTION

Reps. George Roberts and Raiche offered the following concurrent resolution:

Resolved, by the House of Representatives the Senate concurring: That a committee be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the session and is ready to be adjourned until the last Wednesday of December and to receive any communication which he may wish to make.

The Clerk read the concurrent resolution in full.

The Speaker appointed Reps. Eastman, Allen, Frizzell, Belcourt and Belanger.

SENATE MESSAGE

The Senate has voted to concur with the House in passage of the resolution relative to proroguement.

The President appointed Sens. Stephen Smith and Spanos to wait upon the Governor.

RECESS

Rep. Gordon moved the House go into Joint Convention to hear Congressman John M. Ashbrook of Ohio.

Congressman Ashbrook addressed the House.

Sen. Stephen Smith moved the Joint Convention arise.

Adopted.

RECESS

The Committee reported it had attended to its duties.

PROROGUEMENT

Governor Walter Peterson addressed the House as follows:

I have been informed that you have completed the business of the Session.

Therefore, now, by the authority vested in me, and with the consent of the Executive Council, I do hereby prorogue the House to the date provided in Article 43, Part 2, of the New Hampshire Constitution, unless called sooner.

BENEDICTION

GRACIOUS FATHER — whom we have called upon each day of this historic 142nd Session of our New Hampshire General Court for strength and guidance, once again we pause to turn our thoughts to You as we conclude our legislative labors. Having accepted the challenges of public service, having weighed the issues before us, and diligently giving of our best abilities to the cause of freedom and justice — if we have erred in our judgments, or failed in our obligations, forgive us, O Loving and Merciful Father, and judge us for the good we have been able to accomplish. Once again we reaffirm our faith in You and commit our beloved "Granite State" to Your continual care. Safeguard us while we are apart and preserve the officers of our State in their continuing public service. Bless to our memory the joys of our fellowship together — this we ask in Your Name. Amen.

On motion of Rep. Bell the House adjourned at 12:05 p.m.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

SPECIAL SESSION OF 1972

HOUSE JOURNAL

The House met at 11:00 o'clock.

COMMUNICATION

February 1, 1972

To the Members of the General Court

Pursuant to the New Hampshire Constitution Part 2 Article 50, the Governor and Council, on motion duly seconded, voted to call a Special Session of the Legislature at 11:00 A.M. on Tuesday, February 8, 1972, for the purpose of considering a more equitable distribution of the tax burden by means of state assistance to the property taxpayers of our State, including relief for elderly citizens; and such other business as may properly come before the General Court.

Respectfully,

Robert L. Stark

Secretary of State

Reps. George Roberts and Dion offered the following resolution:

RESOLUTION

That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 11:00 a.m. for the purpose of hearing an address

by Senator Vance Hartke of Indiana and former Governor Endicott Peabody of Massachusetts.

The clerk read the resolution in full.

Adopted.

COMMUNICATION

February 8, 1972

Mr. J. Milton Street
Clerk of the House

Dear Milt:

This is to notify you that the following took and subscribed to the oath of office for Representative to the General Court before the Governor and Council on February 8, 1972:

Hillsborough County District No. 24 — John W. Richardson, d, Peabody Road, Pelham;

Rockingham County District No. 27 — Richard T. Chaisson, d, 390 South Street, Portsmouth. (Ward 4)

Very truly yours,

Robert L. Stark

Secretary of State

APPOINTMENTS TO COMMITTEES

Chairman of Education Committee — Representative Janet Dunham

Vice Chairman of Education Committee — Representative John Gemmill

Vice Chairman of Resources, Recreation & Development — Representative F. Leroy Junkins

Rules Committee — Representative Herbert Casassa

Appointments of new members:

Charlotte Cogswell to Municipal and County Government

Eugene S. Daniell, Jr. to Executive Departments and Administration

Warren F. Metcalf to Public Health and Welfare

Michael J. O'Keefe to Public Health and Welfare

John B. Tucker to Resources, Recreation & Development

Armand R. Lemire to Environmental Quality and Agriculture

Lloyd M. Sorenson to Statutory Revision

Donald J. Piper to Judiciary

John R. Richardson to State Institutions

Richard T. Chaisson to Claims, Military and Veterans Affairs

COMMUNICATION

November 24, 1971

Mr. J. Milton Street
Clerk of the House

Dear Milt,

As you know, I have accepted an appointment to the New Hampshire Commission of Eminent Domain which necessitates my resignation as Assistant Clerk.

Working in the House was one of the most rewarding and enjoyable experiences of my life, and each and every member of that body made it so. I know there's no way to adequately convey my appreciation to the membership for those years of association, but Democrat or Republican, liberal or conservative — they are the greatest people in the world.

Please tell them "thanks" for me.

Yours truly,
Paul Brown

On motion of Rep. Senter for the Derry Delegation, the resignation was accepted with regret as of January 1, 1972.

RESIGNATION

January 3, 1972

Hon. Marshall W. Cobleigh
Speaker, House of Representatives

Dear Marshall:

It is with a great deal of regret that I write to inform you that I will be unable to attend the special session which I understand is to convene Feb. 8, 1972.

Because of personal and health conditions I have moved to Florida and if in your opinion that I should resign as representative please consider this letter as my resignation. However, if there is some other way of handling this resignation which you may desire please write me as soon as possible giving me the benefit of your advice and counsel.

With kind personal regards, I am,

Sincerely,
Joseph O. Fleming

Resignation accepted with regret.

LEAVES OF ABSENCE

Reps. Dow and Clear, the day, illness.

Rep. Halvorson, the week, illness.

Reps. Sanders, Sawyer and Burrows, indefinite, illness.

Reps. Edward Johnson and Francis Murphy, indefinite, important business.

Reps. Woodward and Wilkinson, the week, important business.

Reps. James O'Neil and Raiche offered the following resolutions.

RESOLUTIONS

Resolved, that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and the clerk, within three legislative days, to confirm and correct the permanent journal. The permanent journal as thus prepared by the clerk or as corrected by the House shall be the official record of the House, and be it further

Resolved, that the committee on the journal be authorized to examine the permanent journal of the last three days of the session, as prepared by the clerk, and with the approval of the

speaker and the minority leader to make corrections of the same.

Adopted.

Reps. George Roberts and Raiche offered the following resolution.

RESOLUTION

Be it resolved by the House of Representatives that the Clerk of the House shall for the 1972 special session be paid the same daily compensation that he received during a regular session.

Unanimously adopted.

Reps. James O'Neil and Raiche offered the following resolution.

RESOLUTION

Resolved by the House of Representatives that the speaker, after consultation with the minority leader, may cancel a scheduled meeting of the House in the event of a severe snowstorm which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation the House shall meet on the following legislative day. Any member who travels to Concord or who is already in Concord on legislative business on any day that a meeting of the House is under the authority of this resolution canceled shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.

Reps. James O'Neil and Raiche offered the following resolution.

RESOLUTION

Be It Resolved By The House, The Senate Concurring,

that the actions of the rules committees of each house and the joint rules committee in granting approval for drafting, preprinting, and introduction of bills, joint resolutions and concurrent resolutions to amend the constitution are hereby legalized, ratified, approved and confirmed; and the scheduling of all hearings by said committees as printed in the calendars of both houses and today distributed to all members are also hereby legalized, ratified, approved and confirmed and any rule requiring any different notice of such scheduling is hereby suspended.

Adopted.

JOINT CONVENTION

Prayer was offered by House Chaplain Rev. William L. Shafer.

ALMIGHTY GOD, may thy Spirit guide our minds into truth, fill our hearts with compassion, and enable us, as members of The New Hampshire General Court in Special Session, to fulfill our constitutional responsibilities in this "House of Democracy."

In sorrow we bear in mind the memory of those of our number who have been called by their Creator to lay down their earthly work.

Grant unto us, who carry on, such opportunity to widen the horizons of our lives, to deepen our understandings, to heighten our vision, and to set free our courage . . . that we may honor our heritage, preserve our sacred liberty, and maintain our faith in the future of our beloved "Granite State." Amen.

PLEDGE OF ALLEGIANCE

Sen. Lamontagne led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

The Speaker introduced U. S. Senator Vance Hartke of Indiana and former Governor Endicott Peabody of Massachusetts, who addressed the Joint Convention briefly.

The Speaker introduced Mrs. Sandra Schott, daughter of Senator Hartke.

On motion of Sen. Spanos, the Joint Convention arose.

Reps. James O'Neil and Raiche offered the following resolution.

RESOLUTION

Resolved, that the honorable Senate be notified that the House of Representatives has assembled under the authority of the call of a special session by the governor and council, and is now ready to proceed with the busines of the 1972 special session.

Adopted.

SENATE MESSAGES

Resolved, That the House of Representatives be informed that under authority of the Call of a Special Session by the Governor and Council, the Senate has assembled and is now ready to proceed with the business of the 1972 special session.

SENATE CONCURRENT RESOLUTION

SENATE REQUESTS HOUSE CONCURRENCE

Be it resolved by the Senate, the House of Representatives concurring, that the joint rules of the 1971 session, as amended in accordance with the copy of the joint rules which has been distributed and is now in the possession of all members, be adopted as the joint rules of the 1972 special session.

Reps. James O'Neil and Raiche offered the following resolution:

RESOLUTION

Resolved, that the honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint convention at twelve o'clock for the purpose of receiving his excellency the governor and any communication he may be pleased to make, and that a joint committee of five consisting of three on the part of the House and two on the part of the Senate be appointed to wait upon his excellency and inform him accordingly.

Adopted.

The Speaker appointed Reps. MacDonald, Hayes and Dion.

SPEAKER'S REMARKS

"The brunt of the growing pressures has fallen on the property tax — one of the most inequitable and regressive of all public levies. Property taxes in the United States represent a higher proportion of public income than in almost any other nation. They have more than doubled in the last decade and have been particularly burdensome for our lower and middle income families and for older Americans."

Those are the words of President Richard Nixon during his State of the Union Message last month.

Last week, during a news conference in my office, I introduced an eighty-five-year old man who is currently attempting to give his land away, because he says he can no longer afford the exorbitant property taxes on the land that has been his home for fifty years.

I told him, as well as the members of the media, that I see property tax relief, as perhaps the single most important reason for this special session. I also said that I would ask you to declare war against the rapidly increasing property tax, as well as the regressive and unfair tax structure that perpetuates the problem.

Today, I am going to do just that. I am asking that we put our old attitudes and battles aside, and approach this special session with the idea that we are going to accomplish something, not just pass or kill a few bills indiscriminately, and go home.

It has never been any great secret about my favoring a fair broad base tax measure. Defined, a broad base tax means that it applies to most of the population equally.

In the last session, we worshiped at the altar of "no broad-base tax," but we increased the head tax 100 per cent. I know of no one who has no head . . . even millionaire newspaper publishers have heads.

We were like the little dutch boy with our fingers in the dike. When we found that we were $15 million short, we went to welfare and cut that. But that didn't work. So we went to the state employees and cut them, but that didn't work; and so we went to the state institutions, the State Hospital and Laconia State School and that didn't work so we cut aid to the local communities, mostly in the second year of the biennium,

and increased property taxes substantially. Yes, we raised another broad base tax during the last session by forcing a raised property tax.

Our last session, which was so polarized by opposition to broad base taxes, saw us pass a two cent sales tax on gasoline, a two cent sales tax on tobacco, and while we worshiped at the altar of no income tax we increased the inheritance tax.

Who are we kidding "no broad base tax" in our last session here?

The answer is we are kidding ourselves, and the citizens of New Hampshire.

In our last session here we passed sales taxes, head taxes, and increased our broadest base . . . property taxes.

This is the myth about "no broad base taxes" being passed in our last session.

What we didn't do, was to adopt fair taxes, based on the individuals' ability to pay.

Our state has lived with its unfair tax structure long enough . . .

The time to equalize is at hand . . . and NOW is the time to make that declaration of war against our spiraling property tax rates that are climbing out of reach for our average and elderly citizens. It is our duty to meet this problem head-on.

Since we were last in session, several things have happened in our state, and nation . . . things that I feel will hold a direct bearing on this special session, as well as the future of New Hampshire as a state.

The Serrano decision which was handed down by the California State Supreme Court could produce profound ramifications in our state, especially since that decision holds that the use of property taxes for the financing of public education is a violation of the equal protection clause of our U. S. Constitution.

It is true, that decision is on its way to the U. S. Supreme Court for final action; but it is also true that the Supreme Court in the State of Minnesota and the State of New Jersey have also

upheld that decision, as well as a three man panel of federal judges in the U. S. District Court in the State of Texas.

It is also true that a similar action has been filed against the State of New Hampshire, based on the Serrano principle.

So, while the echoes of the Serrano decision rattle throughout the nation, we have only to turn to Capitol Hill in Washington D. C. to find yet another matter which could be of prime importance to this special session.

In the Congress, U. S. Representative Wilbur Mills the Chairman of the powerful House Ways and Means Committee, has authored a federal revenue sharing proposal which would require states to pass an income tax measure, as a condition for participating in the block federal fund program for states.

Chances for passage of the Mills bill are good, according to most sources on the Hill, and so I have asked Congressman Mills to come to New Hampshire and explain to our committee on Ways and Means exactly how his revenue sharing proposal would affect New Hampshire.

Congressman Mills has consented to do this, and he will appear before our Ways and Means Committee this coming February 15th in Representatives Hall at 10:00 a.m.

The two things that I have mentioned here, the Serrano decision, and the possibility of federal revenue sharing could have profound effects upon our state government as we know it today, and if the local and national press is any barometer of things to come . . . I think we had better be prepared.

I would also like to take this opportunity to publicly state that I have a conflict of interest on the no-fault insurance bill, and therefore, on the day that bill comes before this house, I shall not preside or vote on the matter. I will take rule 16. My conflict resides in my business association.

We have a great deal of work ahead of us during this special session, and many important issues are facing us, and will be coming before us daily. Issues such as our tax structure, our environment, flammable fabrics, aid to families of our prisoners of war, high tuition costs at our state universities, no-fault auto insurance, and many many more . . so then, let us try and work together and make the special session of 1972, a working, doing

session that we can all be proud of. I thank you for your time, and your courtesy . . . Now let's go to work.

JOINT CONVENTION

His Excellency, Governor Peterson, addressed the Joint Convention as follows:

I welcome all of you to this 1972 special session of the General Court.

I have called you back to deal with two matters of urgency. The first is the allocation of about $5.3 million in available funds for the balance of the biennium.

About $1.3 million of this is available because the last biennium's deficit is not as great as had been feared; another $1.1 million arises from a clerical error; and the remainder is the amount by which revenues for the rest of the biennium are expected to exceed the legislative estimates.

In light of the deep cuts in many state programs and aid to cities and towns, I consider this special session to be necessary to allocate these funds where they are most needed.

The second purpose of this special session is to attack the larger problems which face us, problems far beyond the present resources of the state.

I refer to the crisis of our cities and towns, a crisis brought about by their dependence on a revenue source which hits hardest at low and moderate income people.

In trying to solve this greater problem, I do not claim that House Bill 1 is the only answer. This bill is meant to be a starting point in what I hope will be a fruitful dialogue.

The bill is addressed to three major goals:

First, to relieve a part of the rising property tax burden on which cities and towns have been dependent for their revenue.

Second, to equalize, at least in part, the ability of our communities to raise funds for their essential services, particularly education.

And third, while helping communities, still maintain our tradition of local control and local decision-making.

New Hampshire shares with a large number of other states the common problem of property taxes. The problem arises in part from a series of court decisions which have focused on the unequal ability of communities to provide for public education.

This inequality among communities is no more extreme in any state than it is in New Hampshire.

In terms of per capita taxable property, our richest community is 17 times as rich as our poorest.

Our State aid levels are the lowest in the nation, and the sums we do provide are not always related to the local need.

Without trying to predict how a court might rule in a New Hampshire case, I would point out that every court which has considered the question of property taxes as it relates to school spending has ruled similarly.

In California, Texas, Minnesota and New Jersey, the courts have said that the local property tax cannot be the basis for the support of education. In Texas, the state and Federal government already pay 80 percent of school costs, but the court found that the 20 percent which was a function of local wealth invalidated the state's school financing system.

I believe we can come up with a New Hampshire solution to the inequalities built into our property tax system.

In looking at our property taxes in New Hampshire, we noted a fact which has ominous implications for the future.

As a group, the 13 cities of New Hampshire have lower per capita taxable property than the towns, and they have much higher property tax rates.

On the basis of relative taxation, our cities usually cannot compete with surrounding towns for new industry or even for commercial development. And so a trend is underway: commercial development is heading for our open spaces, while most of our cities are hard pressed to expand their tax bases and thus take some of the pressure off their already high property taxes.

This is a trend which began much earlier in many other states and helped lead to the urban decay and resulting social problems we see across the country.

There is a second problem associated with property taxes which is even more harmful in immediate human terms.

And this is the problem of over-taxation — the over-taxation of the people who can afford it least.

Our State has not been alone in giving scant attention to this unfolding disaster. It is the disaster inherent in expecting cities and towns to meet rising costs on a tax base which is unresponsive to inflation and unfair to citizens.

The single most serious problem of New Hampshire today is how to maintain basic public services in a way that does not inflict further punishment on the average citizen.

We must stabilize or *reduce* taxes for people who live on moderate income. It is not only the poor I am discussing here — it is the great mass of people who are above the so-called poverty line and are determined to stay above it.

These are the people who live in houses which are a bit smaller than they really need, or in apartments because they cannot afford a home; people who cannot afford two cars; whose wives go to work at low pay to help the family budget. Or they are the elderly, trying to maintain their dignity and their homes on income from social security, small pensions or savings.

It is no wonder to me that these people are not sympathetic to the talk they hear of fresh new taxes on top of what they now bear.

But, they must understand that by means of an income tax, a substantial reduction in their property taxes — and their total tax burden — *can* be accomplished.

I am aware that there are those who are insisting that no state ever did this — that it cannot be done.

Let me offer one example, that of Minnesota. By increasing its so-called broad based taxes last year, Minnesota sharply reduced the broadest-based tax of all, the property tax. In the process, it reduced the total tax burden for persons earning less than $8,000 a year and held constant the average taxation of persons earning between $8,000 and $13,000.

Did they, then, soak the rich? That was not necessary. In that state they realized what we must realize: if taxation is proportional, the burden of state and local services need not be burdensome for anyone.

Our State Constitution says that our taxes shall be proportional: I believe it is time we made them so. And in doing so we can reduce taxes for the mass of people we have permitted to become overtaxed!

We all know that New Hampshire is a low-income state. Fifty-three percent of the Federal tax returns filed in New Hampshire in 1969 showed taxable income of less than $5,500. Yet that 53 percent of our population accounted for only 18 percent of the total income earned in New Hampshire.

Should we permit this 53 percent of our people, with only 18 percent of the income to continue to pay a much higher share of the tax burden?

For them, New Hampshire is not the tax haven they have been led to believe. As renters or as homeowners, they pay among the highest property taxes in the nation, and these taxes are destined to rise. Last year, our property taxes rose 15 percent, from $160 million to $184 million. At that rate of increase, they will double in less than eight years.

Let me turn to some of the other problem areas which I believe deserve your attention.

The first is that of pollution abatement. Federal and State law require an orderly and even accelerated program of cleaning up our rivers and streams. If the State does not meet its financial commitment in the second year of this biennium, the result can only be harmful for the nineteen communities undertaking sewage disposal construction.

But if we do succeed in paying the bill for this biennium — and I am confident we will — what about the next biennium, and the next? In the 20 years ahead, the State and our local communities face a staggering bill of $200 million. Where the money will come from is worth pondering *now,* I believe.

I will also ask this session to establish an environmental protection department. It is the only new program I seek to establish in the current biennium. It enables us to provide a one-stop agency for both the convenience *and* the responsible control of developers of our land.

A second problem is that of higher education. Nothing can obscure the basic fact that we, as a State, pay only one-third of

the costs of public higher education, the lowest level of support for such education in the nation, and that the University has less money for operating expenses in this biennium than last.

More than 300 New Hampshire young people did not attend the University this year as a direct result of the tuition increase. I propose to you that we reduce in-state tuition by 10 percent and establish a loan fund to help them.

Another problem concerns the human beings whom we touch directly by government action.

I refer to those in our State institutions, which are woefully short of manpower at every level. I refer to those who require special help to meet medical emergencies, such as open heart surgery or kidney transplants; or those who have blind children. It will never make headlines, but we did last year curtail our aid to blind children and to many other handicapped persons.

I would also have us increase our effort, and therefore our dollars, for improved law enforcement. The need for additional State Troopers is becoming acute, not only to patrol our highways but to operate in the field of criminal law, including the problem area of drug abuse. Enforcement is not the only or the final solution in dealing with social problems such as drunk drivers — or young people on drugs — but it is a vital part of the effort.

I will ask this session to lower the age of majority to 18. I do so in the recognition that 70 percent of our young people between 18 and 21 are performing in society exactly as their elders are — working for a living, and in many cases they are married and have children. We should recognize in law, as well as in fact, that they are part of the adult world, and balance their new privileges with adult responsibility.

And finally, we must take account of our State employees. I would state strongly as I can that they deserve, at a minimum, a cost of living pay increase. In most categories they are the lowest paid in New England and in some categories, the State is not competitive with our own cities.

Inflation has risen about 11 percent since the last pay increase — in other words, their buying power is 11 percent below the pay levels that you saw justified two years ago.

I have touched on these problems briefly, and left out other

areas of concern to us all, because I know that this Legislature, like the ones in which I served, does not lack an awareness of government's problems or the good will to try to solve them.

My goal, above all else, is to redress the wrong inflicted both on communities and on human beings by a property tax which is now among the highest in the nation.

The opportunity for action is at hand. If you share this goal with me, I appeal to you to act.

On motion of Sen. Jacobson, the Convention arose.

RECESS

AFTER RECESS

HOUSE

SENATE MESSAGE

CONCURRENCE

Concurrent Resolution ratifying action of the Rules Committee.

Reps. James O'Neil and Raiche offered the following resolution:

RESOLUTION

Be it resolved by the House that the rules of the 1971 session of the House, as amended in accordance with the copy distributed to all members and now in their possession, be adopted as the rules of the House for the 1972 special session.

Rep. James O'Neil explained the resolution.

(discussion)

Rep. Drake offered the following amendment.

AMENDMENT

I move that proposed House Rule 32 (v) be amended by striking out the words "fifth legislative day" and inserting in

place thereof the words (third legislative day) so that said paragraph as amended shall read as follows:

(v) It shall be the duty of the Committee on Ways and Means to examine and take into consideration the state of the treasury, to consider and report on all bills and resolutions relating to raising money by a state tax, the apportionment of the same, and all other methods for raising revenue for the state; to submit a House Resolution on or before the *third legislative day* giving a definitive estimate of all revenue available to the state from current revenue sources, such resolution to be subject to amendment by majority vote of the House on a motion by the Ways and Means Committee upon receipt of additional revenue information; to consider and report upon every other subject concerning the financial interest of the state, and such other matters as may be referred to it.

Rep. Drake explained his amendment.

Rep. Levy spoke against the Drake amendment.

Rep. George Roberts spoke in favor of the Drake amendment.

Amendment Adopted.

Resolution adopted, with the exception of Rule 20, on which action was deferred pending drafting of an amendment.

HOUSE RULES FOR 1972 SPECIAL SESSION

1-28a. Same.

28 b.

(b) Notice of a motion for reconsideration shall be in order only when given to the House in open session prior to adjournment on the same day on which the vote was passed or on the next day on which the House shall be in session within one-half hour after the convening of the early session and any such notice of reconsideration shall be effective only for said *next* legislative day and thereafter shall be null and void.

28 c-32 a. Same.

32 a.

(Par. 2) The Committee shall submit to the House a sup-

plemental budget bill for the biennium which submits a supplemental budget balanced within existing revenue sources, as set forth in the revenue resolution provided for by House Rule 32 in the portion thereof relative to the duties of the Ways and Means Committee in the amount last adopted by the House. In addition, the Committee shall report to the House all other bills by the date established therefor by the Joint Rules. All bills in the possession of the Committee shall be reported out with one of the following recommendations: "ought to pass", "ought to pass with amendment", "recommended but to be laid on the table because not funded", or "inexpedient to legislate". Further provided that the Committee may submit to the House a supplemental budget bill which it believes to be in the best interest of the state even though such budget bill would exceed the revenue estimate set forth in the revenue resolution prepared by the Ways and Means Committee.

32 b.-32 u. Same.

32 v.

(v) It shall be the duty of the Committee on Ways and Means to examine and take into consideration the state of the treasury, to consider and report on all bills and resolutions relating to raising money by a state tax, the apportionment of the same, and all other methods for raising revenue for the state; to submit a House Resolution on or before the *third legislative day* giving a definitive estimate of all revenue available to the state for current revenue sources, such resolution to be subject to amendment by majority vote of the House on a motion by the Ways and Means Committee upon receipt of additional revenue information; to consider and report upon every other subject concerning the financial interest of the state, and such other matters as may be referred to it.

33-37. Same.

38. All petitions, memorials and other papers addressed to the House and all bills and resolutions to be introduced in the House shall be delivered or caused to be delivered to the Office of Legislative Services by the person presenting them. Legislative Services shall prepare the bills, resolutions, petitions, memorials and other papers in proper form and shall present the same to the member for signature. Legislative Services shall give

precedence in drafting legislation to any measure which carries an appropriation.

Paragraph 2 remains the same.

39-43. Par. 1. Same.
Omit paragraph 2, Rule 43.

44-56. Same.

57. The Speaker may revoke the reference of any bill, resolution or any subject matter referred to any committee, with the approval of the House, and place such bill before the House for action, upon giving notice of *two legislative days* in the calendar of the House. The Clerk shall keep an accurate record of the date of distribution of printed copies of each bill.

58 & 59. Omitted.
60-61. Same.

Reps. James O'Neil and Raiche moved concurrence on Joint Rules.

Rep. James O'Neil explained the procedure.

(discussion)

Joint Rules adopted.

Rep. James O'Neil and Raiche offered the following resolutions:

RESOLUTIONS

Be it resolved by the House that in accordance with the list in the possession of the clerk, house bills numbered one through 51 and house joint resolutions one through 3 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee, said list being in accordance with the referral appearing on the printed copies of said house bills and joint resolutions.

Be it further resolved, that said list be printed in the journal of the house for today.

Adopted.

INTRODUCTION OF BILLS

First, second reading & referral

HB 1, relative to property tax relief. (Spaulding of Sulli-

van Dist. 4; Mallat of Cheshire Dist. 13 — To Ways and Means.)

HB 2, to clarify the business profits tax. (Andrews of Merrimack Dist. 1 — To Ways and Means).

HB 3, correcting certain errors in the acts relative to reapportionment of Keene representatives to the general court and delegates to the state convention. (Saunders of Cheshire Dist. 14 — To Reapportionment).

HB 4, relative to public outdoor entertainment. (Colburn of Hillsborough Dist. 5 — To Resources, Recreation and Development).

HB 5, permitting police employees of larger cities to enter the New Hampshire retirement system. (Martineau of Hillsborough Dist. 38 — To Appropriations).

HB 6, eliminating the inclusion of interest charges in the limits on state guarantees of municipal sewage bonds, and increasing the total aggregate sum allowed. (Kopperl of Merrimack Dist. 12 — To Resources, Recreation and Development).

HB 7, authorizing state agencies to maintain certain records to qualify for federal funding. (Cate of Merrimack Dist. 20; Merrill of Grafton Dist. 13 — To Labor).

HB 8, authorizing the department of education to apply for and expend federal funds available for technician and vocational-technical training programs. (O'Neil of Cheshire Dist. 12 — To Education).

HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible. (O'Neil of Cheshire Dist. 12 — To Education).

HB 10, state aid for sewage disposal facilities. (Claflin of Carroll Dist. 7 — To Resources, Recreation and Development).

HB 11, to increase the borrowing power of the town of Pembroke. (Little of Merrimack Dist. 9 — To Executive Departments and Administration).

HB 12, relative to insurance on state owned pressure vessels. (Miner of Merrimack Dist. 23 — To Labor).

HB 13, to abolish the Enfield village fire district in the

town of Enfield and transfer its functions to the town of Enfield. (Blain of Grafton Dist. 15 — To Municipal and County Government).

HB 14, relating to the exclusive civil jurisdiction in district courts. (Zachos of Hillsborough Dist. 27 — To Judiciary).

HB 15, legalizing certain town meetings in the town of Auburn. (Griffin of Rockingham Dist. 3 — To Municipal and County Government.)

HB 16, relative to tax exemption for reclaiming swamps. (Andrews of Merrimack Dist. 1 — To Environmental Quality and Agriculture).

HB 17, establishing the rights of policemen. (Raiche of Hillsborough Dist. 34; Cobleigh of Hillsborough Dist. 15 — To Executive Departments and Administration).

HB 18, increasing the fees on boats and motors, repealing the town tax on boats, and clarifying the duties of the division of safety services. (French of Belknap Dist. 2; Wood of Rockingham Dist. 28 — To Transportation and Aeronautics).

HB 19, authorizing Nathaniel Hawthorne College to grant baccalaureate degree. (Tucker of Sullivan Dist. 4 — To Education).

HB 20, providing that families of prisoners of war in Asia be given free tuition in the state's institutions of higher learning. (Cobleigh of Hillsborough Dist. 15; Roberts of Belknap Dist. 6 — To Claims, Military and Veterans Affairs).

HB 21, relative to the New Hampshire American Revolution Bicentennial Commission. (Hamel of Rockingham Dist. 17 — To Statutory Revision).

HB 22, making an additional appropriation for the New England board of higher education. (Frizzell of Sullivan Dist. 7 — To Appropriations).

HB 23, repealing the requirement for instant photographs on drivers' licenses. (Spirou of Hillsborough Dist. 31 — To Statutory Revision).

HB 24, establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees

collected on snow traveling vehicles. (French of Belknap Dist. 2 — To Fish and Game).

HB 25, establishing procedure for authorizing action by the spouse or next of kin of prisoners of war or persons missing in action. (Cobleigh of Hillsborough Dist. 15; Varrill of Rockingham Dist. 16 — To Claims, Military and Veterans Affairs).

HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases. (Martineau of Hillsborough Dist. 38 — To Special Committee: Manchester Delegation).

HB 27, authorizing an agreement with Ohio state university veterinary school to enroll New Hampshire residents and making an appropriation therefor. (Frizzell of Sullivan Dist. 7 — To Appropriations.)

HB 28, making an additional appropriation for New Hampshire resident medical students at the university of Vermont. (Frizzell of Sullivan Dist. 7; O'Neil of Cheshire Dist. 12; Raiche of Hillsborough Dist. 34 — To Appropriations).

HB 29, limiting candidates for election to work in certain polling places. (Spirou of Hillsborough Dist. 31 — To Constitutional Revision).

HB 30, prohibiting amendments to the zoning laws where adequate notice thereof has not been given. (Sayer of Rockingham Dist. 7 — To Municipal and County Government).

HB 31, establishing a committee to study the feasibility of converting some of the surplus real property of any state institution to taxable use. (Whittemore of Belknap Dist. 12; Randlett of Belknap Dist. 11 — To Resources, Recreation and Development).

HB 32, relative to overtime pay for state policemen. (Cote of Hillsborough Dist. 29 — To Executive Departments and Administration).

HB 33, imposing a two percent retail sales and use tax and authorizing any city or town to impose an additional one percent local identical tax for the use of the city or town. (Andrews of Merrimack Dist. 1 — To Ways and Means).

HB 34, permitting appeals from municipal and district

courts in neglected and delinquent children matters. (Nighswander of Belknap Dist. 4 — To Judiciary).

HB 35, permitting the town of Durham to change from a calendar year to a fiscal year accounting period, and providing for the dates and manner of collecting taxes in the transitional period. (Beckett of Strafford Dist. 4 — To Special Committee: Durham Delegation).

HB 36, establishing the New Hampshire municipal bond bank as a public body corporate and politic for the purpose of facilitating the borrowing of money by counties, cities, towns and districts. (Trowbridge of Cheshire Dist. 4 — To Public Works).

HB 37, providing workmen's compensation coverage for all volunteer or auxiliary members of fire or police departments, whether paid or not paid. (Roberts of Belknap Dist. 6; Hanson of Merrimack Dist. 6 — To Municipal and County Government).

HB 38, amending the Lebanon city charter to provide that the mayor shall make all appointments other than certain exceptions subject to the approval of the council. (Merrill of Grafton Dist. 13 — To Special Committee: Lebanon Delegation).

HB 39, relative to landlord and tenant rights. (Merrill of Grafton Dist. 13 — To Judiciary).

HB 40, accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death. (McLane of Merrimack Dist. 23 — To Ways and Means).

HB 41, relative to voter registration by town and city clerks. (Tucker of Sullivan Dist. 4 — To Statutory Revision).

HB 42, to suspend the implementing of certain governmental programs until such time as state and/or federal funding is available. (Daniell of Merrimack Dist. 15; Raiche of Hillsborough Dist. 34; Gamache of Merrimack Dist. 8; Piper of Merrimack Dist. 15; Levy of Rockingham Dist. 28 — To Executive Departments and Administration).

HB 43, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973 and making other budgetary changes. (Drake of Coos 3 — To Appropriations).

HB 44, providing for the assessment of land at valuations based upon the current use thereof. (Johnson of Cheshire Dist. 9 — To Environmental Quality and Agriculture).

HB 45, authorizing payment of relocation assistance in eminent domain takings in which federal funds are involved. (Noble of Merrimack Dist. 27 — To Fish and Game).

HB 46, establishing a line item budget for the city of Manchester. (Robinson, Hillsborough Dist. 34; Vachon, Hillsborough Dist. 40; Sysyn, Hillsborough Dist. 33; Ackerson, Hillsborough Dist. 28; Martineau, Hillsborough Dist. 38 — To Special Committee: Manchester Delegation).

HB 47, requiring no-fault motor vehicle insurance, and enacting a bumper safety statute. (Hamel of Rockingham Dist. 17; Raiche of Hillsborough Dist. 34; Mallat of Cheshire Dist. 13 — To Banks and Insurance).

HB 48, creating a homestead exemption to local property taxes, providing for reimbursement to towns and cities for revenue lost thereby and making an appropriation therefor. (Cobleigh of Hillsborough Dist. 15 — To Ways and Means).

HB 49, making appropriations for capital improvements and amending the 1969 capital budget. (Weeks of Rockingham Dist. 23 — To Appropriations).

HB 50, providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed. (French, Belknap Dist. 2; Burleigh, Merrimack Dist. 14; Drouin, Belknap Dist. 9; Dulac, Belknap Dist. 11; Greeley, Merrimack Dist. 16; Head, Belknap Dist. 10; McCarthy, Belknap Dist. 8; Mutzbauer, Belknap Dist. 7; Nighswander, Belknap Dist. 4; Prescott,, Belknap Dist. 10; Randlett, Belknap Dist. 11; Roberts, Belknap Dist. 3; Roberts, Belknap Dist. 6; Whittemore, Belknap Dist. 12; Wilkinson, Belknap Dist. 3; Wuelper, Belknap Dist. 5 — To Resources, Recreation and Development).

HB 51, increasing the salaries of permanent classified state employees and establishing a state classified personnel and management study commission, and making an appropriation therefor. (Cobleigh of Hillsborough Dist. 15; Raiche of Hillsborough Dist. 34 — To Executive Departments and Administration).

INTRODUCTION OF HJR's

HJR 1, making an appropriation for construction at Old Fort Number Four. (Frizzell of Sullivan Dist. 7; Galbraith of Sullivan Dist. 7 — To Appropriations).

HJR 2, establishing an interim committee to study the redistricting of county commissioner districts. (Andrews of Merrimack Dist. 1 — To Special Committee: Reapportionment).

HJR 3, to authorize Portsmouth and Dover to verify their checklists in 1972 rather than 1973. (Maynard of Rockingham Dist. 24; Maglaras of Strafford Dist. 20 — To Statutory Revision).

VACATE

Rep. Fortier moved that the order whereby HB 49, making appropriations for capital improvements and amending the 1969 capital budget, was referred to Appropriations be vacated and it be referred to Public Works.

Adopted.

SUSPENSION OF RULES

Rep. Joseph Cote moved that Joint Rule 14 be so far suspended as to permit the introduction of a CACR to amend the Constitution so as to provide for a referendum on approval of an income or sales tax.

Rep. Cote spoke in favor of the motion.

Rep. George Roberts spoke against the motion.

(discussion)

Reps. Richard Bradley and Gordon spoke in favor of the motion.

Reps. Harvell and James O'Neil spoke against the motion.

The Speaker requested a division.

105 members having voted in the affirmative and 203 in the negative, the motion failed.

Rep. Gordon requested a roll call.

Sufficiently seconded by five members.

ROLL CALL

YEAS: 121 NAYS 224

YEAS

MERRIMACK COUNTY:
Hardy, Enright, Riley, Gamache, Gordon, Perkins, Humphrey, James A., Howland.

ROCKINGHAM COUNTY:
Boucher, Soule, Adams, Sayer, Smith, Philip A., Vey, Sewall, Twardus, McEachern, Levy, Woods, O'Keefe.

STRAFFORD COUNTY:
Canney, Smith, Elmer C., Joncas, Habel, Chasse, Hebert, Dumais, Ineson, Carignan, Ruel, Beaudoin, Sylvain, Dunlap, Preston, Tripp, Young, Kinney, Parnagian, Richardson, Harriett W. B.

SULLIVAN COUNTY:
Rousseau, Barrows, D'Amante, Edes.

BELKNAP COUNTY:
Hood, Maguire.

CARROLL COUNTY:
Lagroe, Webster.

CHESHIRE COUNTY:
Cournoyer, Forcier, Johnson, Elmer L., Ames, Saunders.

COOS COUNTY:
Metcalf, Bushey, Roy, Desilets, York, Elmer H., Brungot, Oswell, Gagnon.

GRAFTON COUNTY:
Gardner, Van H., Chamberlin, Buckman, Sears, Bradley, Richard L.

HILLSBOROUGH COUNTY:
Humphrey, Howard S., Eaton, Joseph M., Withington, Karnis, Coburn, Belzil, Desmarais, Lachance, Chamard, O'Neil, Robert, Aubut, Boisvert, Wilfrid A., Grandmaison, Davidson, Ouellette, Sirois, Bissonnette, Alukonis, Bednar, Keeney, Rodgers, Dwyer, Lyons, Bridges, Ackerson, Cote, Joseph L., Duhaime, Armand L., McDermott, Manning, Walsh, Barrett,

William F., Clancy, Healy, Lynch, John T., McDonough, Sysyn, Simard, Campono, Champagne, Chevrette, Derome, St. Onge, O'Connor, James P., Sweeney, Murphy, Dennis J., Levasseur, Martineau, Allard, Brunelle, Lambert, Lavallee, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

NAYS

MERRIMACK COUNTY:

Andrews, Sherman, Parker, Harry C., Reddy, Hanson, Little, Bartlett, Avery, Kopperl, Thompson, Doris L., Daniell, Piper, Greeley, Mattice, Michels, Cate, Davis, Alice, Haller, Cheney, Charles H., McLane, Miner, Filides, Underwood, MacDonald, Wilson, Ralph W., Fuller, Glavin, Howard, C. Edwin, Noble, Welch, Shirley B., Tarr.

ROCKINGHAM COUNTY:

Stimmell Wilson, Helen F., Griffin, Margaret A., Gay, MacGregor, Read, Lovell, Belair, Morrison, O'Neil, Robert E., White, Palmer, Schwaner, Spollett, Cummings, Charles E., Benton, Greenwood, Goodrich, Scamman, Collishaw, Eastman, Junkins, Page, Varrill, Hamel, Randall, Cheney, George L., Fiske, Casassa, Cunningham, Langley, Leavitt, Greene, Hammond, Lockhart, Weeks, Keefe, Maynard, Chandler, Griffin, Ruth L., Quirk, Connors, Dame, Palfrey, Chaisson, Jameson, Croft.

STRAFFORD COUNTY:

Brown, Stevenson, Douglas M., Beckett, Clark, Shirley M., Tirrell, Maloomian, Boire, Towle, Thompson, Barbara C., Balomenos, Blanchette, Leighton, Peabody, Raymond B., Bernard, Fellows, Cogswell, DeWolfe.

SULLIVAN COUNTY:

Townsend, Gaffney, Tucker, Spaulding, Roma A., Downing, Saggiotes, Frizzell, Galbraith, Williamson.

BELKNAP COUNTY:

French, Lawton, Roberts, Charles B., Nighswander, Wuelper, Roberts, George B., Drouin, Huot, Head, Prescott, Randlett, Whittemore.

CARROLL COUNTY:

Howard, Donalda K., Cox, Davis, Esther M., Hayes, Conley, Davis, Dorothy W., Chase, Russell C., Claflin, Hughes.

CHESHIRE COUNTY:

Churchill, Forbes, Trowbridge, Yardley, McGinness, Allen, Bennett, Hackler, O'Neil, James E., Raymond, Vogel, Heald, Cleon E., Streeter, Shortlidge, Moran, Barker, Cummings, Richard E., Drew.

COOS COUNTY:

Cook, Huggins, Hunt, Mayhew, Drake, Lee, Burns, O'Hara, Oleson, Dubey, Fortier, Studd, McCuin, Bouchard, Theriault, Kidder, Richardson, Mabel L.

GRAFTON COUNTY:

Stevenson, Malcolm J., Tilton, Higgins, McGee, Brummer, LaMott, Mann, Ezra B., Anderson, Menge, Nutt, Radway, Gemmill, Foster, Tremblay, Dudley, Merrill, Altman, Blain, Bell, Mitchell.

HILLSBOROUGH COUNTY:

Knight, Monier, Poehlman, Sorenson, Colburn, Daloz, Mann, Arthur F., Murray, Eaton, Clyde S., Heald, Philip C., Carter, Ferguson, Bragdon, Spalding, Kenneth W., Brocklebank, Hall, Bouchard, Maurice L., Parker, Gerry F., Record, Belcourt, Trombley, Drabinowicz, Cote, Margaret S., Coutermarsh, Gabriel, Richardson, John W., Peabody, Arthur H., Harvell, Van Loan, Abbott, Ainley, Daniels, Milne, Zachos, Montplaisir, Bruton, Dion, Cullity, Welch, John L., Spirou, Lemieux, Raiche, Belanger, Lynch, Doris T.

Motion failed.

Rep. Mutzbauer wishes to be recorded as voting no.

Reps James O'Neil and Raiche offered the following amendment to the House Rules:

AMENDMENT

We move that House Rule 20 be amended by striking out the words reading "sixth, to amend; seventh to postpone indefinitely" and inserting in place thereof the following: (sixth, to postpone indefinitely; seventh to amend) so that said rule as amended shall read as follows:

20. When any question is under debate, no motion shall

be received, but, first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to postpone indefinitely; seventh, to amend; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter.

Adopted.

QUALIFIED

February 8, 1972

Mr. J. Milton Street,
Clerk of the House

Dear Milt:

This is to notify you that the following took and subscribed to the oath of office for Representative to the General Court before the Governor and Council on February 8, 1972:

Strafford County District No. 18

(Dover, Ward 3) — Charlotte P. Cogswell, r

336 Washington Street, Dover

Very truly yours,
Robert L. Stark
Secretary of State

On motion of Rep. Spollett the House adjourned at 3:26 P.M. to meet tomorrow at 11:00 o'clock.

Wednesday, 9Feb72

The House met at 11:00 o'clock.

JOINT CONVENTION

Prayer was offered by House Chaplain Rev. William L. Shafer.

Most Gracious GOD, we come to Thee today as sons come to a loving Father. We thank Thee for your concern for us and Thy watchful care over us. Help us to grow in the knowledge of Thy law, Thy love, and Thy life. Teach us to use Your gifts in such manner that this world of Your creation may be better because of our stewardship. By the experience of living may we gain greater wisdom, more trustful faith, a deeper and wider compassion, and a more consecrated will. Increase our powers to serve Thee so that our lives be not lived in vain. Strengthen the hearts and hands of all who labor for peace with justice and freedom for all men. Amen.

PLEDGE OF ALLEGIANCE

Sen. Porter led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

The Speaker introduced John McGlennon, Regional Director, Environmental Protection Agency.

The President of the Senate, John R. Bradshaw, introduced William D. Ruckelshaus, Administrator, Environmental Protection Agency, who addressed the Joint Convention briefly.

On motion of Sen. Foley, the Joint Convention arose.

HOUSE

LEAVES OF ABSENCE

Rep. Dudley, the day, illness.

Rep. Dow, indefinite, illness.

Rep. Carter, the day, to attend a funeral.

Reps. Donalda Howard and Radway, today and tomorrow, important business.

Rep. Richard Bradley, indefinite, important pleasure.

Rep. Dunham, today and tomorrow, illness.

Rep. DeWolfe, indefinite, important business.

Rep. James O'Neil offered the following resolution:

RESOLUTION

Resolved, that in accordance with the list in the possession of the clerk, House Bills numbered 52 through 57 shall be by

this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 52, authorizing the city of Dover to acquire, develop and operate industrial parks within the city and to aid the construction and expansion of industrial facilities within the city by the issue of revenue bonds. (Maglaras of Strafford Dist. 20 — To Special Committee: Dover Delegation).

HB 53, relative to the date for the collection of taxes in the city of Dover. (Maglaras of Strafford Dist. 20 — To Special Committee: Dover Delegation).

HB 54, authorizing the amendment of the Amherst-Milford authorized regional enrollment area plan in order to reduce the number of grades covered by the plan. (Spalding of Hillsborough Dist. 12 — To Education).

HB 55, exempting the real and personal property of the Nashua Historical Society from taxation and repealing the limitation on the amount of property said society may hold. (Cobleigh of Hillsborough Dist. 15; Coutermarsh of Hillsborough Dist. 22 — To Statutory Revision).

HB 56, relative to the procedure to be followed by medical referees. (Zachos of Hillsborough Dist. 27 — To Public Health and Welfare).

HB 57, relative to voter registration residency requirement. (McLane of Merrimack Dist. 23 — To Statutory Revision).

Reps. George Roberts and Raiche offered the following resolutions:

RESOLUTIONS

Whereas, we have learned with regret of the deaths of the following members and former members of the House of Representatives:

Rep. Ernest C. Hopkins of Bristol
Rep. Allan P. Campbell of Claremont

Rep. Michael P. Walsh of Manchester
Rep. Alonzo Tessier of Manchester
Rep. Helen Worcester Bell of Hollis
Rep. George W. Cole of Northumberland

Whereas, these Representatives have served their communities faithfully and with efficiency and our loss will be keenly felt, therefore be it

Resolved, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to their families, and be it further

Resolved, that a copy of these resolutions be transmitted to their families.

Adopted unanimously by a rising vote and a minute of silent prayer.

(Deputy Speaker in Chair)

Rep. Cobleigh offered the following resolutions:

RESOLUTIONS

Whereas, there is presently pending before the House of Representatives House Bill 48, An Act creating a homestead exemption to local property taxes, providing for reimbursement to towns and cities for revenue lost thereby and making an appropriation therefor, and

Whereas, said RSA 72:44 through 72:55 as inserted by section 2 of said bill provides for a so-called "homestead exemption" which would be available only to residents; and

Whereas, a minimum exemption, based on five thousand dollars of equalized valuation is provided for; and

Whereas, questions have been raised concerning the constitutionality of said bill, now therefore be it

Resolved, that the Justices of the Supreme Court be respectfully requested to give their opinion, as expeditiously as possible because of the fact that the General Court is convened in Special Session only, upon the following questions of law:

1. Would any constitutional provision be violated by the

enacting of the "homestead exemption" as provided for in House Bill 48?

2. Would any constitutional provision be violated by any of the other provisions of House Bill 48?

Be It Further Resolved, that the Speaker transmit seven copies of this resolution and of House Bill 48 to the Clerk of the Supreme Court for consideration by said court.

Rep. Cobleigh explained the resolution.

(discussion)

Rep. Levy spoke against the resolution.

Rep. Cobleigh moved that the subject matter concerning HB 48 be made a special order for 11:01 tomorrow and spoke in favor of the motion.

Rep. Levy spoke in favor of the motion.

Motion adopted.

The text of the Joint Rules for 1972 Special Session adopted by the House and Senate follows:

JOINT RULES OF THE 1972 SPECIAL SESSION

1. The Joint Committee on Rules shall comprise the Committee on Rules of the Senate and of the House. It shall be the duty of the Joint Committee on Rules to recommend to the two bodies the day and time to which the two bodies shall adjourn, and such other matters as be referred to it by either or both bodies.

2. When a convention of the two bodies is to be formed, whether by a requirement of the Constitution, or by a vote or resolution of the two bodies, a message shall be sent from the House of Representatives to the Senate, giving notice when the House will meet the Senate in convention. As soon thereafter as the convenience of the Senate will permit, they will attend in the House. The Speaker of the House shall be chairman of the convention, and shall state the reasons for forming the convention. When the House and Senate are thus formed in convention, the rules adopted as the rules of the House shall be considered the rules of the convention, so far as they may be

deemed applicable, and the convention shall accordingly be governed thereby.

3. Message shall be sent by such person or persons as each body may deem to be proper.

4. Messages from either body shall be received from the other at all times, except when engaged in putting a question, in calling yeas and nays, or in counting the ballots.

5. When a message shall be sent from either body to the other, it shall be announced at the door of the body to which it may be sent by the doorkeeper.

6. While bills are on their passage between the two bodies, they shall be under the signature of the clerk of each body respectively.

7. Any bill concerning state retirement systems shall not be introduced unless there is attached thereto a fiscal note based upon estimates obtained from a qualified and approved actuary as to total cost involved.

8. Every bill repealing or modifying any act or statute shall refer to the same: (a) if contained in the Revised Statutes Annotated by the section and chapter thereof and if the 1955 adopted Revised Statutes Annotated has been amended by stating "as amended": (b) if not contained in the Revised Statutes Annotated by the section and chapter and the session of the legislature when the same was passed expressed in words clearly with full reference to all amendments in sequence so that it shall not be necessary to refer to any other act or statute to ascertain the meaning thereof. The title of every bill shall indicate, in brief and comprehensive form, the subject-matter contained in the bill. It shall be the duty of the presiding officer of each body of the legislature to require all such bills to be made in conformity with this rule, before putting any vote thereon, except to commit or amend.

9. When a bill or resolution which shall have passed in one body is rejected in the other, notice thereof shall be given to the body in which the same shall have passed.

10. After each body shall have adhered to its disagreement, a bill or resolution shall be considered lost.

11. Each body shall transmit to the other all papers on which any bill or resolution may be founded.

12. Each body shall take final action on all bills that originate therein not later than *seventh legislative day,* with the exception of any revenue raising measure which shall have final action by the *tenth legislative day* in the originating body. The nonoriginating body shall take final action on all referred bills not later than *thirteenth legislative day,* provided that if any bill is sent to a committee of conference further action may be taken subsequent to said date by the House and Senate.

13. No bill which has been finally disposed of shall be admitted under color of amendment.

14. No bill, joint resolution, concurrent resolution to amend the constitution, claim outstanding on the first day of the session or petition relating to new business shall be introduced in the session unless *the Rules Committee of the House in which it is to be introduced has given its prior approval for such introduction;* provided that this rule may be suspended in either house whenever two-thirds of the whole number of elected members shall, on division taken, vote in favor thereof, and not otherwise.

15. There shall be a committee for the purpose of enrolling bills, consisting of five members of the House of Representatives and three members of the Senate. All bills that have passed both bodies shall be delivered to said committee, be by them enrolled, carefully examined and reported to the respective bodies; and shall be signed by the Speaker of the House of Representatives and the President of the Senate. If the examination of a bill shall disclose any clerical error or formal imperfection, said committee shall report it back to the respective bodies, with such amendments as are required to correct the same; and any measures so reported shall be subjected to amendment in those particulars and in no other respect.

16. A public hearing on any bill may be held jointly by the Senate and House committees. The Speaker or President of the body in which the bill originates may request the President or Speaker of the other body to authorize the appropriate committee of that other body to sit at a joint public hearing. Joint hearings in no way preclude the bill being reheard by the committee of either body. Presiding over the hearings shall be either the Senate or the House committee chairman, or his designate, without regard as to whether a House or Senate bill is being

heard. The presiding chairman shall alternate from bill to bill between the House and Senate chairmen, or as mutually agreed by them.

17. The Speaker or the President may authorize standing committees of their respective bodies to meet on non-legislative days as needed.

18. Effective date of bills. Except as hereinafter provided, each Senate and House bill shall in terms be made effective not earlier than sixty calendar days after the date of its passage. Any bill requiring another effective date than prescribed herein may be amended on second reading by a majority vote of either the Senate or House and said amendment may provide for a bill to become effective on passage or on a specific date. Provided, however, that the limitation herein provided as to effective dates shall not apply to (1) bills of an emergency nature, (2) tax bills, (3) private acts affecting one particular town, city or political subdivision, (4) bills making appropriations of money for ordinary or capital expenses of state agencies, or (5) bills affecting fees for licenses or certificates.

19. A bill or resolution may be recalled from the Governor at any time before it is signed by him, by a majority of the Senate or House, whichever last had possession.

20. Concurrent Resolutions Proposing Constitutional Amendments. Proposed constitutional amendments shall be submitted as concurrent resolutions entitled: "Concurrent Resolution proposing a Constitutional Amendment Relating to * * *," and with a resolving clause in the following form: "Be it Resolved by the (Senate) (House of Representatives) the (House of Representatives) (Senate) concurring that the Constitution of New Hampshire be amended as follows: "Concurrent resolutions proposing a constitutional amendment shall truly propose to amend or supplement the Constitution and contain only subject matter which genuinely belongs in the fundamental law of the state: it being the intention of this rule to exclude therefrom all subject matter which is legislative in nature and all questions which are submitted under the guise of constitutional amendments for the primary purpose of obtaining a popular referendum. Each concurrent resolution shall set forth the text of the new matter to be inserted in the Constitution and also the text of a question summarizing the amendment, to appear

on the ballot proposing such constitutional amendment. The General court shall specify the particular election at which such question is to be submitted to the voters, and shall state whether it is to appear on the regular or a separate ballot. All such concurrent resolutions shall be read a first and second time by title and referred to the appropriate standing committee for public hearing and report. Amendments to such a resolution shall be in order while the measure is still on second reading. On the question of ordering such a resolution to third reading and on the question of final passage, the President and Speaker shall require a division vote unless a roll call is recorded under the rules and completed, adoption of either of said questions shall require a vote of three-fifths of the entire membership of each house. In case of disagreement between the two bodies, such concurrent resolutions shall be subject to the usual conference committee procedure. Such concurrent resolution, if adopted by the required constitutional majority of each body, shall be engrossed in the usual form and signed by the Speaker and the President, and shall be submitted to the Secretary of State for appropriate action and for submission to the voters. Such concurrent resolutions shall be made a part of the permanent legislative records.

21. A concurrent resolution proposing a constitutional amendment, as provided by Rule No. 20, shall be read into the Senate or House where it originates. All hearings on such resolutions may be held jointly as provided under Joint Rule 16 by the appropriate standing committees of the Senate and House provided that in the event the resolution is amended in the first body and the second body chooses to have a second hearing this too may be joint. The committee vote on the resolution shall be by each committee and not by the committees jointly.

22, 23 and 24 omitted.

25. No Joint Rule shall be suspended unless two-thirds of the members present, in each house, voting separately, vote in favor thereof, *with the exception of the subject matter covered in new Rule 14.*

26. No action may be taken in either house on any committee of conference report until a copy of said report has been delivered to the seats or placed on the desks of all members.

On motion of Rep. Merrill former Mayor of Lebanon, the House adjourned at 12:24 o'clock to meet tomorrow at 11:00 o'clock.

Thursday, 10Feb72

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain Rev. William L. Shafer.

Thou hast given us a new day, O LORD, help us to fill it with meaningful service and honest labor. As we walk in the light of the sun, so may we walk in the light of thy love — as beauty surrounds us, so may there be beauty within us. Help us not to bring blemish to this day, but rather create that which shall add to its joy. Incline our minds to truth and justice, that, in seeking them, we may find them. May our hearts be living springs of compassion and may our soul's intention be to live unto thy glory. Whatever be the experiences in life that we will gather today, may their lessons prepare us to make better the morrow, in the Name of Jesus Christ we pray. Amen.

PLEDGE OF ALLEGIANCE

Rep. Allen led the Pledge of Allegiance.

LEAVES OF ABSENCE

Rep. Ineson, the day, important business.

Rep. Cate, the day, illness.

Rep. Ernest Clark, indefinite, illness.

Rep. Grandmaison, today, Tuesday and Wednesday next, important business.

Rep. George Roberts offered the following resolution:

RESOLUTION

Resolved, that in accordance with the list in the possession of the clerk, House Bills numbered 58 through 62 shall be by

this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 58, amending the charter of the city of Manchester changing the title of the commissioner of welfare to director of human services, providing for his appointment instead of election, and requiring that he have certain educational and experience qualifications. (Spirou of Hillsborough Dist. 31 — To Special Committee: Manchester Delegation).

HB 59, regulating users of ionizing radiation in the healing arts. (Nutt of Grafton Dist. 9 — To Public Health).

HB 60, appropriating general fund revenue in excess of estimates. (Monier of Hillsborough Dist. 4 — To Education).

HB 61, enacting a Health Maintenance Organization Act and a Hospital Rate Setting Act, changing certain penalties in the insurance laws requiring the filing minimum standards for and approval of certain insurance documents, and relative to the board of directors and by-laws of hospital service and medical service corporations. (Coughlin of Cheshire Dist. 11 — To Banks and Insurance).

HB 62, repealing statute on group marketing of motor vehicle insurance. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance).

COMMITTEE REPORTS

HB 8

authorizing the department of education to apply for and expend federal funds available for technician and vocational-technical training programs. Ought to pass. Rep. Abbott for Education.

Enables the use of Federal Funds when they become available.

(discussion)

Reps. Lyons and Gemmill explained the bill.

Ordered to third reading.

HB 9

authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible. Ought to pass. Rep. Abbott for Education.

This is enabling, too.

Ordered to third reading.

HB 11

to increase the borrowing power of the town of Pembroke. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Housekeeping bill allowing town to increase debt limit for waterworks to allow for expansion.

Ordered to third reading.

HB 12

relative to insurance on state owned pressure vessels. Ought to pass. Rep Cate for Labor, Human Resources and Rehabilitation.

(discussion)

Rep. Merrill explained the committee report.

Referred to Appropriations.

HB 13

to abolish the Enfield village fire district in the town of Enfield and transfer its functions to the town of Enfield. Ought to pass. Rep. Blain for Municipal and County Government.

Ordered to third reading.

HB 10

state aid for sewage disposal facilities. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Limits "state or other" financial assistance to municipalities at 95%.

Ordered to third reading.

HOUSE RESOLUTION
Offered by the
Ways and Means Committee

In conformity with the requirements of House Rule 32 paragraph (v) requiring the Ways and Means Committee to submit a House Resolution on or before February 10 giving a definite estimate of all revenue available to the State from current revenue sources as of January 7, the Ways and Means Committee hereby offers the following resolution:

Be It Resolved by the House that its estimate of all such revenue available is as follows:

		Fiscal 1972		Fiscal 1973	
	1971 Actual	Legislative Estimate	Revised Estimate	Legislative Estimate	Revised Estimate
Beer	$ 2,647,000	2,795,500	2,800,000	2,895,500	2,900,000
Board and Care	2,050,000	2,292,700	2,200,000	2,498,700	2,300,000
Business Profits Tax	12,055,000	16,500,000	14,000,000	17,600,000	15,000,000
Commuter Income Tax	1,606,000	2,000,000	2,400,000	2,000,000	2,750,000
Estate and Legacy Tax	5,867,000	4,500,000	4,500,000	4,500,000	4,500,000
Head Tax	1,625,000	1,230,000	1,230,000	1,800,000	1,800,000
Insurance	4,764,000	5,506,000	5,300,000	5,527,400	5,340,000
Liquor	22,946,000	25,500,000	26,100,000	26,300,000	27,000,000
Meals and Rooms	4,962,000	5,192,500	5,200,000	5,430,500	5,500,000
Other	4,068,000	3,791,174	4,250,000	3,793,896	4,500,000
Racing:					
Dog				1,000,000	1,000,000
Harness	4,406,000	4,700,000	5,400,000	4,850,000	5,150,000
Thoroughbred	5,671,000	6,165,000	6,300,000	5,965,700	6,300,000
Telephone	3,783,000	4,170,000	4,250,000	4,600,000	4,600,000
Tobacco Tax	17,872,000	22,400,000	24,050,000	22,000,000	24,350,000
Utilities Tax	1,112,000	1,200,000	900,000	1,300,000	1,100,000
Total	$95,444,000	107,943,574	108,880,000	111,661,696	114,090,000

Referred to Appropriations under Rules.

The Speaker called for the Special Order for 11:01.

On resolution to send HB 48 to Supreme Court for opinion. HB 48, An Act creating a homestead exemption to local property taxes, providing for reimbursement to towns and cities for revenue lost thereby and making an appropriation therefor.

Rep. Trowbridge moved that the resolution to send HB 48 to the Supreme court for an opinion, be made a special order for Tuesday next at 11:01 and spoke in favor of the motion.

Rep. Levy spoke in favor of the motion.

Adopted.

COMMUNICATION

Dear Mr. Speaker:

Over the past fifteen to twenty years, parking in the downtown area of Concord has been a tremendous problem at best. Needless to say, when the General Court is in session, the problem is multiplied ten fold. This department and all of the city as a matter of fact, have tried to be cooperative and realistic about the situation even though at times it seemed we were operating on a one way street.

On this date, I have had numerous calls from irate citizens, taxpayers, merchants and city officials to the effect that no one has been able to get near city hall and the public library and some Main Street stores. Crosswalks and fire hydrants have been blocked to the point of becoming a serious hazard. On this basis, I am advising my men to tag cars that are in flagrant violation in front of city hall, the public library and directly in front of Main Street merchants that depend on turnover parking for their livelihood. These tickets will not be excused.

We will still abstain from ticketing cars on streets bordering the State House and Annex such as Park, Capitol, School and Centre Streets with the exception of the south side of School Street between Main Street and State Street. We will not get excited about cars in public parking lots even though the meter time has expired. We are not overly concerned with cars on Main Street that are parked in front of the Plaza or the urban renewal projects.

I hope this may clarify the situation and alleviate the never ending problem of legislative parking.

Sincerely,

Walter H. Carlson
Chief of Police

On motion of Rep. George Roberts the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

LATE SESSION

THIRD READINGS AND PASSAGE BY HOUSE

HB 10, state aid for sewage disposal facilities.

HB 13, to abolish the Enfield village fire district in the town of Enfield and transfer its functions to the town of Enfield.

HB 11, to increase the borrowing power of the town of Pembroke.

HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible.

HB 8, authorizing the department of education to apply for and expend federal funds available for technician and vocational-technical training programs.

REQUEST FOR RECONSIDERATION

Rep. Monier has served notice that he will ask reconsideration of the House action in passing HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible.

COMMITTEE CHANGE

Rep. Underwood will replace Rep. Fleming on the Committee on Legislative Orientation.

On motion of Rep. Vachon, who, with Mrs. Vachon, will be celebrating their thirtieth wedding anniversary Monday, the House adjourned at 11:39 o'clock.

Tuesday, 15Feb72

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. William L. Shafer.

SHALOM. ALMIGHTY and ETERNAL GOD, our Father, make us aware of thy presence, alert to the leading of thy Spirit, and responsive to the needs of our "Granite State." Help us to grasp thy purposes in larger measure, and find abundance of life in the pursuit of them . . . that our lives may be blessed by our service to Thee and our fellow citizens. We rejoice in Thee, O GOD of our fathers, thy greatness inspires our minds, thy love lifts up our hearts. Aware of thy Presence and thy power, may we go forth today with a dauntless spirit, with deep faith and unswerving trust in your eternal goodness. Amen.

PLEDGE OF ALLEGIANCE

Rep. Altman led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

The Speaker introduced Chairman of the Ways and Means Committee, U. S. House of Representatives, Rep. Wilbur D. Mills, of Arkansas, who addressed the House briefly.

LEAVES OF ABSENCE

Rep. Dunlap, the day, illness.

Rep. Dow, indefinite, illness.

Reps. Boucher and Jameson, the day, important business.

Rep. Filides, the week, important business.

PERSONAL PRIVILEGE

Rep. Webster rose on a point of personal privilege.

UNANIMOUS CONSENT

Rep. Joseph Cote addressed the House by unanimous consent.

RESOLUTION

Rep. James O'Neil offered the following resolution:

Resolved, that in accordance with the list in the possession of the clerk, House Bills numbered 63 through 73 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 63, relative to prefinancing of a sewage treatment facility in the city of Manchester and making an appropriation therefor. (Raiche of Hillsborough Dist. 34 — To Appropriations).

HB 64, relative to public utility services. (Monier of Hillsborough Dist. 4; Raiche of Hillsborough Dist. 34; Robinson of Hillsborough Dist. 35; Sorenson of Hillsborough Dist. 4 — To Statutory Revision).

HB 65, requiring filing of social security numbers with department of probation. (Cobleigh of Hillsborough Dist. 15 — To Labor. Human Resources and Rehabilitation).

HB 66, providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor. (Cobleigh of Hillsborough Dist. 15 — To Public Works).

HB 67, exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter. (Claflin of Carroll Dist. 7; Williamson of Sullivan Dist 9 — To Resources, Recreation and Development).

HB 68, relative to permitted earnings for retired teachers and state employees. (Cobleigh of Hillsborough Dist. 15 — To Executive Departments and Administration).

HB 69, amending the charter of the city of Rochester by redrawing the ward lines to provide for five wards, and providing for the election of city officials on the basis of five wards;

and reapportioning the representative districts in said city. (Balomenos of Strafford Dist. 15 — To Special Committee: Rochester Delegation).

HB 70, establishing a statewide system for financing the basic costs of primary and secondary education through creation of a school fund and provisions to generate revenue therefor. (Trowbridge of Cheshire Dist. 4; Menge of Grafton Dist. 8 — To Ways and Means).

HB 71, relative to the acquisition and disposal of industrial facilities. (Raymond of Cheshire Dist. 13 — To Municipal and County Government).

HB 72, providing that each lobsterman fly his own distinctive colors or paint them on both port and starboard bow. (Maynard of Rockingham Dist. 24 — To Fish and Game).

HB 73, requiring positive action by the New Hampshire Port Authority to pre-empt the authority of towns or cities over ports, harbors or navigable tide rivers. (Levy of Rockingham Dist. 28 — To Special Committee — Portsmouth Delegation).

SENATE MESSAGE

INTRODUCTION OF SENATE BILLS

First and second reading, referral

SB 9, relative to redistricting the congressional districts. Reapportionment.

SB 15, repealing the provisions for discretionary real estate licenses. Executive Department and Administration.

COMMITTEE REPORTS

HB 20

providing that families of prisoners of war in Asia be given free tuition in the state's institutions of higher learning. Ought to pass. Rep. Hood for Claims, Military and Veterans Affairs.

(discussion)

Rep. George Roberts explained the bill.

Rep. Greenwood spoke in favor of the bill.

Rep. Williamson spoke against the bill.

Referred to Appropriations.

Rep. George Roberts wishes to be recorded as voting in favor of HB 20.

HB 25

establishing procedure for authorizing action by the spouse or next of kin of prisoners of war or persons missing in action. Ought to pass. Rep. Hood for Claims, Military and Veterans Affairs.

Unanimously favored by committee.

(discussion)

Ordered to third reading.

Rep. George Roberts wishes to be recorded as voting in favor of HB 25.

HB 19

authorizing Nathaniel Hawthorne College to grant baccalaureate degrees. Ought to pass. Rep. Abbott for Education.

Permits the college to award Bachelor of Science degrees in fields other than business administration. Corrects a technical error in original charter.

Ordered to third reading.

HB 14

relating to the exclusive civil jurisdiction in district courts. Ought to pass with amendment. Rep. Brungot for Judiciary.

AMENDMENT

Amend section one of the bill by striking out the same and inserting in place thereof the following:

1 Exclusive Jurisdiction. Amend RSA 502-A:14, I, as amended, by striking out said paragraph and inserting in place thereof the following: I. Exclusive Jurisdiction. All district courts shall have original and exclusive jurisdiction of civil cases in which the damages claimed do not exceed five hundred dollars, the title to real estate is not involved and the plaintiff or defendant resides within the district. In all such actions as herein provided the parties shall be heard by the justice or special justice and the findings of fact shall be final but questions of law may be transferred to the supreme court in the

same manner as from the superior court or as provided in RSA 502-A:17-a.

Amendment adopted.

Ordered to third reading.

HB 7

authorizing state agencies to maintain certain records to qualify for federal funding. Ought to pass with amendment. Rep. Edes for Labor, Human Resources and Rehabilitation.

AMENDMENT

Amend the bill by striking out section one and inserting in place thereof the following:

1 Discrimination. Amend RSA 354-A:8 (supp) as amended by inserting after paragraph VIII, the following new paragraph: IX. The gathering, recording and reporting of data relative to the matters set forth in paragraph III hereof by any state agency shall not be a violation of this or any other statute, rule or regulation pertaining to civil rights.

(discussion)

Rep. Gerry Parker moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment.

Reps. Merrill and Stevenson spoke against the motion.

Motion lost

Amendment Adopted. Ordered to third reading.

HB 15

legalizing certain town meetings in the town of Auburn. Ought to pass with amendment. Rep. Hanson for Municipal and County Government.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

legalizing certain town meetings in the towns of Auburn and Newington and certain votes and proceedings of the planning board of the town of Newington.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Town of Newington. All of the votes and proceedings at the special town meeting of the town of Newington held on November 3, 1970, are hereby legalized, ratified and confirmed.

3 Newington Planning Board. All of the votes and proceedings of the planning board of the town of Newington taken or held during 1970 in regard to the rezoning of land of Joseph Navelski which subsequently came before the special town meeting of the town of Newington held on November 3, 1970 are hereby legalized, ratified and confirmed despite, without limitation, any failure of such board to adopt the votes required by RSA 31:63-a or to properly give notice of the hearings held pursuant to said statute.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 37

providing workmen's compensation coverage for all volunteer or auxiliary members of fire or police departments, whether paid or not paid. Ought to pass. Rep. Randlett for Municipal and County Government.

Ordered to third reading.

Rep. George Roberts wishes to be recorded as voting in favor of HB 37.

HB 21

relative to the New Hampshire Revolution Bicentennial Commission. Ought to pass with amendment. Rep. Adams for Statutory Revision.

AMENDMENT

Amend the bill by striking out section two and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 23

repealing the requirement for instant photographs on driver's licenses. Inexpedient to legislate. Rep. MacDonald for Statutory Revision.

Rep. Spirou moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. MacDonald moved that HB 23 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Reps. Robinson, Raiche, and Gordon spoke against the motion.

Reps. Hamel and Hayes spoke in favor of the motion.

Rep. Donald Chase moved the previous question on the entire subject matter.

Sufficiently seconded.

Adopted.

Rep. Sears requested a division.

206 members having voted in the affirmative and 47 in the negative, HB 23 was indefinitely postponed.

Rep. Trowbridge offered the following resolution:

RESOLUTION

Whereas, HB 70 would establish a statewide system for financing the basic costs of primary and secondary public education by providing for a special fund known as the School Fund to be distributed to the school districts of the state according to a standard formula; and

Whereas, to provide revenue for the School Fund section 3 of the bill would impose a School Property Tax and section 4 of the bill would impose a School Income Tax; and

Whereas, section 3, RSA 76-A:2 of the bill would impose the School Property Tax at a uniform rate upon all taxable property, with residential real estate (as defined in section 3, RSA 76-A:1) exempted therefrom; and

Whereas, the School Income Tax would be imposed only on residents and would contain provisions to grant equal tax treatment to residents who occupy their residences on a rental basis; and

Whereas, a question has been raised concerning the constitutionality of a portion of the bill, now therefore be it

Resolved, that the Justices of the Supreme Court be respectfully requested to give their opinion, as expeditiously as possible because of the fact that the General Court is convened in Special Session only, upon the following question of law:

Would any Constitutional provision be violated by the exemption of residential real estate from the School Property Tax, as proposed as part of the financing system of HB 70?

Rep. Trowbridge explained the resolution.

Resolution adopted.

SPECIAL ORDER

Rep. Trowbridge moved that the resolution to send to The Supreme Court HB 48, creating a homestead exemption to local property taxes, providing for reimbursement to towns and cities for revenue lost thereby and making an appropriation therefor, be laid on the table.

(discussion)

Adopted.

VACATE

Rep. Gemmill moved that the order whereby HB 60, appropriating general fund revenue in excess of estimates, was referred to the Committee on Education be vacated and referred to the Committee on Appropriations.

Adopted.

RECONSIDERATION

Rep. Monier, having voted in the affirmative, moved that the House reconsider its action whereby it passed HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible, and spoke in favor of the motion.

Rep. Monier explained his motion.

Rep. J. O'Neil explained the Committee Report.

(discussion)

A division was requested.

It being manifestly in the negative, reconsideration lost.

The Speaker announced that Rep. Lamy of Manchester is celebrating her 21st birthday.

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and further that when the House adjourns today, it be to meet tomorrow at 11:00 o'clock.

LATE SESSION

THIRD READINGS AND PASSAGE BY HOUSE

HB 25, establishing procedure for authorizing action by the spouse or next of kin of prisoners of war or persons missing in action.

HB 19, authorizing Nathaniel Hawthorne College to grant baccalaureate degrees.

HB 14, relating to the exclusive civil jurisdiction in district courts.

HB 7, authorizing state agencies to maintain certain records to qualify for federal funding.

HB 15, legalizing certain town meetings in the towns of Auburn and Newington and certain votes and proceedings of the planning board of the town of Newington.

HB 37, providing workmen's compensation coverage for all volunteer or auxiliary members of fire or police departments, whether paid or not paid.

HB 21, relative to the New Hampshire American Revolution Bicentennial Commission.

On motion of Rep. Cullity the House adjourned at 1:20 o'clock.

Wednesday, 16Feb72

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

IN NOMINE PATRIS, ET FILII, ET SPIRITUS SANCTI. AMEN. Lord of our lives, and Saviour of the world, as we stand on the threshold of another Lenten season, we would pray for all who, for the sake of others, seek a deeper consecration to You and your cause in the world. We pray for all who, in devotion to Your spiritual and social aims, are active in promoting truth and justice, freedom and kindness. We pray for those who serve our nation, all those who serve as defenders of liberty and truth, all those who would make ours a righteous nation and people by their true stewardship. We pray for those in special need, the sick, the hurt, the weak, the frightened, the lonely and rejected, the bewildered and the desperate. Give them insight to lay hold of Thy "Cross", let it be to them the staff of hope, the symbol of Your concern for them and for us. In Jesus' blessed Name. Amen.

PLEDGE OF ALLEGIANCE

Rep. Walsh led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Jameson and Perkins, the day, important business.

Rep. Theriault, the day, death in family.

Rep. Alukonis, the day and tomorrow, important business.

Rep. Bragdon, the week, important business.

Rep. Belzil, two weeks, important business.

QUALIFIED

Mr. J. Milton Street
Clerk of the House

Dear Milt:

This is to notify you that the following took and sub-

scribed to the oath of office for Representative to the General Court before the Governor and Council on February 16, 1972:

Belknap County District No. 1 (Center Harbor, New Hampton) — Guy N. Davis, r, New Hampton.

Grafton County District No. 16 (Bristol) — Joseph A. Krainak, r, Bristol.

Sullivan County District No. 4 (Claremont — Ward 2) — Raymond P. Keating, r, 74 Woodland Street, Claremont.

Sullivan County District No. 8 (Springfield, Sunapee) — George I. Wiggins, r, Sunapee.

Very truly yours,

Robert L. Stark
Secretary of State

COMMITTEE APPOINTMENTS OF NEW MEMBERS

Joseph A. Krainak to Education
Raymond P. Keating to Banks and Insurance
Guy N. Davis to Environmental Quality and Agriculture
George I. Wiggins to Municipal and County Government

RESOLUTION

Rep. James O'Neil offered the following resolution:

Resolved, that in accordance with the list in the possession of the clerk, House Bills numbered 74 through 77 and House Joint Resolutions numbered 4 and 5 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 74, relative to flammable fabrics. (Cobleigh of Hillsborough Dist. 15; Reddy of Merrimack Dist. 5 — To Labor, Human Resources and Rehabilitation).

HB 75, changing the basis for retirement benefits for group

I members from the highest five to the highest three years compensation. (Raiche of Hillsborough Dist. 34 — To Appropriations).

HB 76, relative to the standardization of reports of state agencies and distribution of state publications. (Benton of Rockingham Dist. 12 — To Appropriations).

HB 77, relative to the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature. (Zachos of Hillsborough Dist. 27 — To Labor, Human Resources and Rehabilitation).

HJR 4, authorizing the register of deeds of Strafford County to deliver some of the old record books into the custody of the Woodman Institute for display purposes. (Clark of Strafford Dist. 4 — To Executive Departments and Administration).

HJR 5, establishing an interim committee to study a deferred tuition program for the state. (Raiche of Hillsborough Dist 34 — To Education).

SENATE MESSAGE

INTRODUCTION OF SENATE BILL

First and second reading & referral

SB 4, increasing fees that ski tow operators pay. Municipal and County Government.

COMMITTEE REPORTS

HB 22

making an additional appropriation for the New England board of higher education. Inexpedient to legislate; subject matter covered by other legislation. Rep. Drake for Appropriations.

Resolution adopted.

HB 16

relative to tax exemption for reclaiming swamps. Ought to pass. Rep. Colburn for Environmental Quality and Agriculture.

Rep. James O'Neil moved that HB 16 be laid on the table.

Adopted.

HB 32

relative to overtime pay for state policemen. Inexpedient to legislate. Rep. Shirley Clark for Executive Departments and Administration.

Resolution adopted.

HB 24

establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles. Ought to pass with amendment. Rep. Chamberlin for Fish and Game.

AMENDMENT

Amend section one of the bill by striking out the same and inserting in place thereof the following:

1 Committee Established. There is hereby established a committee to study and examine controls for the state to adopt to regulate the use of snowmobiles and all terrain vehicles. The committee shall be composed of three members of the house, appointed by the speaker, two members of the senate, appointed by the president of the senate, the commissioner of the department of resources and economic development or his designee, the commissioner of safety or his designee, the director of fish and game or his designee, the president of the New Hampshire Snowmobile Association or his designee, a representative from the White Mountain National Forest, a representative from the New Hampshire Timberland Owners Association and two members at large appointed by the governor. The members shall choose a chairman. The committee shall make a careful study of the laws presently in effect out of this state and propose new legislation designed to regulate snowmobiles and all terrain vehicles in this state. The committee shall make a report of its findings and recommendations to the 1973 session of the general court not later than December 15, 1972.

Amend RSA 269-B:8, IV, as inserted by section three of the bill by striking out the same and inserting in place thereof the following:

IV. Registration after transfer as provided in RSA 269-H:10 — two dollars.

From each registration fee collected: pursuant to paragraph I: four dollars shall be transferred to the state fish and game department; four dollars shall be transferred to the department of resources and economic development; and one dollar shall be transferred to the department of safety; pursuant to paragraph II: four dollars shall be transferred to the department of resources and economic development for publications, trails, and facilities in support of snowmobiling; and four dollars shall be transferred to the state fish and game department; and one dollar to the department of safety. All other registration fees collected under this section shall be transferred to the general fund.

Rep. Zachos commented on the bill.

(discussion)

Rep. French explained the bill.

Rep. Dion moved the previous question on the committee amendment.

Sufficiently seconded.

Adopted.

Amendment adopted.

Referred to Appropriations.

HB 34

permitting appeals from municipal and district courts in neglected and delinquent children matters. Ought to pass with amendment. Rep. Record for Judiciary.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

permitting appeals from municipal and district courts in neglected children matters.

Amend section one of the bill by striking out the same and inserting in place thereof the following:

1 Appeal Authorized. Amend RSA 169:24 by striking out said section and inserting in place thereof the following: 169:24 Appeals. An appeal may be taken to the superior court from any order or decision of whatever nature made by a district or municipal court, pursuant to this chapter, but an appeal shall not suspend the order or decision of the court unless the court so orders. Such appeal may be taken within thirty days by any party having an interest, including the state, in matters of neglected children. The superior court shall give appeals under this section priority on the court calendar.

Amendment adopted.

Ordered to third reading.

Rep. J. O'Neil and Raiche offered the following resolution:

RESOLUTION

Resolved that any House bills not signed by the sponsor, drafted and in the hands of the printer by five o'clock in the afternoon, Wednesday, February 16, shall die.

Resolution adopted.

Rep. James O'Neil moved that HB 16 be removed from the table.

Adopted.

COMMITTEE REPORTS CONTINUED

HB 16

relative to tax exemption for reclaiming swamps.

(discussion)

Ordered to third reading.

SENATE MESSAGE

CONCURRENCE ON HB WITH AMENDMENT

HB 13, to abolish the Enfield Village fire district in the town of Enfield and transfer its functions to the town of Enfield.

(See Senate Journal 15Feb72 for amendment)

Rep. Allen moved that the House concur with the Senate amendment.

Adopted.

SUSPENSION OF RULES

Rep. Merrill moved that the Rules of the House be so far suspended as to permit a public hearing on HB 74, relative to flammable fabrics, with only one day's notice in the Calendar.

Adopted by the necessary 2/3.

SUSPENSION OF RULES

Rep. Wiliamson moved that the Rules of the House be so far suspended as to permit introduction of a bill turned down by the Rules Committee, to prohibit the sale of beer and wine at State Parks.

Reps. Kenneth Spalding, Streeter, Edes, Barker, Davidson and Scamman spoke in favor of the motion.

Adopted by the necessary 2/3 of the membership.

Representatives McGee and Shirley Welch offered the following resolutions:

RESOLUTIONS

Whereas, this House of Representatives is well aware of the distinguished service rendered to this state by John Palazzi, and

Whereas, this service has been characterized by forthrightness, earnestness of purpose and understanding, and

Whereas, we feel deeply the loss of his friendship, his fine sense of public responsibility and his countless acts of personal generosity, and are mindful of the great ability and declaration he gave of himself in his years of public duty, therefore be it

Resolved, that the members of the House of Representatives express by these presents their deep feeling of loss of this outstanding citizen and friend of New Hampshire and direct that these sentiments be suitably conveyed to his wife and the members of his family, and be it further

Resolved, that these resolutions be incorporated in the records of the House of Representatives and suitably inscribed for presentation to the family of John Palazzi.

Unanimously adopted.

COMMUNICATION

Hon. Marshall Cobleigh
Speaker of the House of Representatives

Dear Mr. Speaker:

It is through you that I wish to express my sincere appreciation to the Members of the House and Attaches for your very generous and most thoughtful remembrance.

Sincerely,
Eileen Smith
State House Nurse

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and further that when the House adjourns today, it be to meet tomorrow at 11:00 o'clock.

LATE SESSION
THIRD READINGS AND PASSAGE BY HOUSE

HB 16, relative to tax exemption for reclaiming swamps.

HB 34, permitting appeals from municipal and district courts in neglected children matters.

On motion of Rep. Allen the House adjourned at 12:25 o'clock.

Thursday, 17Feb72

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

ALMIGHTY GOD, who revealeth thyself in the laws of nature and hath written the moral law upon tables of stone, upon parchment and paper, so that all may read, who hath shown us in the life of Jesus Christ that right way to live, grant

that we may give heed to thy truth, ever seeking righteousness and living our lives in obedience to thy will. May we learn to love thy law, and thereby do justly, show mercy, and walk humbly with thee always, Help us to discriminate clearly between right and wrong so that our lives may be an inspiration to all citizens for our righteous actions. Help us to relate our lives to the just needs of our citizens and give us such courage and strength to serve effectively and honorably in this "House of Democracy." Amen.

PLEDGE OF ALLEGIANCE

Rep. Fellows led the Pledge of Allegiance.

LEAVES OF ABSENCE

Rep. Krainak, the day, illness.

Rep. Lavallee, indefinite, illness.

Reps. Radway and Jameson, the day, important business.

Rep. Bouchard, today and next week, important business.

ENROLLED BILLS REPORT

HB 13, to abolish the Enfield village fire district in the town of Enfield and transfer its functions to the town of Enfield.

Roxie A. Forbes
For The Committee

RESOLUTION

Rep. O'Neil offered the following resolution.

Resolved, that in accordance with the list in the possession of the clerk, House Bills numbered 78 and 79 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 78, amending the charter of the city of Claremont rela-

tive to compensation for the mayor and city council. (Tucker of Sullivan Dist. 4 — To Special Committee: Claremont Delegation).

HB 79, relative to the sale of liquor at state-owned ski areas. (Williamson of Sullivan Dist. 9 — To Liquor Laws).

SENATE MESSAGES

INTRODUCTION OF SENATE BILLS

First and second reading & referral.

SB 8, to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor. Appropriations.

SB 1, establishing an environmental protection division in the office of the attorney general and making an appropriation therefor. Resources, Recreation and Development.

SB 14, making an appropriation from the Nesmith Trust Fund and changing the annual appropriation therefrom. Appropriations.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION

First, second reading & referral

SCR 1, memorializing the President regarding the treatment of Jews in the Soviet Union. Claims, Military and Veterans Affairs.

SUSPENSION OF RULES

Reps. James O'Neil and Raiche moved that the Rules of the House be so far suspended for the next two legislative days as to permit hearings and the introduction of committee reports without two days' notice in the Calendar.

Rep. Gordon requested a quorum count.

298 members having answered, a quorum was present.

Reps. Raiche, James O'Neil and Gordon spoke in favor of the motion.

Rep. Joseph Cote requested a division on the motion.

277 members having voted in the affirmative and 1 in the negative, the motion was adopted by the necessary 2/3.

COMMITTEE REPORTS

HB 35

permitting the town of Durham to change from a calendar year to a fiscal year accounting period, and providing for the dates and manner of collecting taxes in the transitional period. Ought to pass. Rep. Beckett for the Durham Delegation.

Ordered to third reading.

HB 4

relative to public outdoor entertainment. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Traffic and Crowd Control. Amend RSA 286 by inserting after section 4 the following new section: 286:4-a Added Expense to Town. The selectmen of any town or the licensing committee of any city shall determine whether the fee for the license prescribed herein will for each event licensed hereunder be adequate to reimburse the town or city for the extra expense in protecting the health and safety of the public which can reasonably be attributed to the event to be licensed. When the license fee is found to be inadequate, the promoter of the event shall agree to put in writing to reimburse the town for the amount of such expense in excess of the license fee and shall furnish a bond for the payment of such amount in a form acceptable to the licensing committee or selectmen.

2 Licensing Shows and Open-Air Meetings. Amend RSA 286:1 by inserting in line four after the words "other show," the words (or promote any public competition,) so that said section as amended shall read as follows: 286:1 Showmen. No showman, tumbler, rope dancer, ventriloquist or other person shall, for pay, exhibit any feats of agility, horsemanship, sleight of hand, rope dancing or feats with cards, or any animals, wax

figures, puppets or other show, or promote any public competition, without a license from the selectmen of the town.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

HB 6

eliminating the inclusion of interest charges in the limits on state guarantees of municipal sewage bonds, and increasing the total aggregate sum allowed. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Referred to Appropriations.

HB 31

establishing a committee to study the feasibility of converting some of the surplus real property of any state institution to taxable use. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Procedure contemplated adequately covered by present department procedures.

Resolution adopted.

HB 62

repealing statute on group marketing of motor vehicle insurance. Ought to pass with amendment. Rep. Bigelow for Banks and Insurance.

AMENDMENT

Amend section two of the bill by striking out the same and inserting in place thereof the following:

2 Regulations. The insurance commissioner is directed to promulgate regulations governing mass marketing of property and liability insurance which will protect the insurance buying public by July 1, 1972.

3 Effective Date. This act shall take effect July 1, 1972.

(Rep. George Roberts in the Chair)

The Speaker abstained from voting under Rule 16.

Amendment adopted.

Ordered to third reading.

(Speaker in the Chair)

HB 45

authorizing payment of relocation assistance in eminent domain takings in which federal funds are involved. Ought to pass with amendment. Rep. Chamberlin for Fish and Game.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved.

Amend RSA 124:10 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

124:10 Authorizing Payment of Relocation Assistance. If a state agency acquires any real property through condemnation proceedings brought under the power of eminent domain or in any other manner and the use of federal funds is involved and to qualify for such funds the provisions of the federal "Uniform Assistance Act of 1970," as amended must be complied with, the agency is authorized and empowered to make payments for such reasonable costs in relocation assistance as is required by said federal act.

Amend section two of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 30

prohibiting amendments to the zoning laws where adequate notice thereof has not been given. Inexpedient to legislate. Rep. Hanson for Municipal and County Government.

Resolution adopted.

HB 36

establishing the New Hampshire municipal bond bank as a public corporate and politic for the purpose of facilitating the borrowing of money by counties, cities, towns and districts. Refer to a Special Committee composed of the State Treasurer, the Bank Commissioner, one member from Senate Finance, one member from House Appropriations and the Sponsor. Rep. Trowbridge for Public Works.

Resolution adopted.

HB 55

exempting the real and personal property of the Nashua Historical Society from taxation and repealing the limitation on the amount of property said society may hold. Ought to pass. Rep. MacDonald for Statutory Revision.

Ordered to third reading.

HB 57

relative to voter registration residency requirement. Ought to pass with amendment. Rep. MacDonald for Statutory Revision.

AMENDMENT

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon passage.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. James O'Neil and Raiche, moved that the Rules of the House be so far suspended as to place on third reading by title only and final passage all bills ordered to third reading at the present time.

Adopted by the necessary 2/3.

THIRD READINGS AND PASSAGE BY HOUSE

HB 35, permitting the town of Durham to change from a Calendar year to a fiscal year accounting period, and pro-

viding for the dates and manner of collecting taxes in the transitional period.

HB 4, relative to public outdoor entertainment.

HB 62, repealing statute on group marketing of motor vehicle insurance.

HB 45, authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved.

HB 55, exempting the real and personal property of the Nashua Historical Society from taxation and repealing the limitation on the amount of property said society may hold.

HB 57, relative to voter registration residency requirement.

COMMITTEE REPORTS CONTINUED

HB 39

relative to landlord and tenant rights. Majority: Ought to pass with amendment. Rep. David Bradley for Judiciary. Minority: Inexpedient to legislate. (Rep. Brungot)

Bill prohibits landlord from evicting tenant solely because tenant complained to governmental agency about a violation. Protects landlord's right to evict for nonpayment of rent or other reasons. Requires tenant to give landlord notice of the alleged violation when notice is given to agency.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Rights and Obligation Where Retaliation Claimed. Amend RSA 540 by inserting after section thirteen the following new sections:

540:13-a Defense to Retaliation. Except in cases of nonpayment of rent for one week or more, it shall be a defense to any possessory action, as to residential property, that such possessory action was in retaliation for the tenant reporting a violation, or reporting in good faith what the tenant reasonably believed to be an unreasonable and substantial violation, of any law, regulation, or housing code, to any board, agency or authority

having powers of inspection, regulation or enforcement as to reasonable fitness of said residential property for health or safety; provided the tenant orally reported, mailed, gave in hand to, or left at the abode of the landlord, the same report or complaint of such alleged violation.

540:13-b Evidence of Intent to Retaliate. Any possessory action, increase in rent, or any substantial alteration in the term of the tenancy within three months after the receipt by the landlord of any such alleged violation, in any oral or written form listed in the preceding paragraph, shall create a rebuttable presumption that such possessory action, was in retaliation of the tenant's making such report or complaint, unless the court finds that the act of the tenant in making such report or complaint was primarily intended to prevent an eviction.

540:13-c Discretionary Stay Dependent on Payment of Rent. If the defendant defaults, or confesses judgment, or if on trial the court rules that the landlord has sustained his complaint, judgment shall be rendered that the landlord recover possession of the premises and costs, and a writ of possession shall issue forthwith, provided that, (except in cases of nonpayment of rent), the court may order the tenant shall not be dispossessed until a date not later than three months from such default, confession of judgment, or ruling of the court, provided the court decides that under all the circumstances justice requires such stay, based on the reasonableness and good faith of the parties in their respective reports, complaints, demands and evidence, but in the event of any such stay of dispossession the tenant shall pay the landlord weekly in advance the weekly (or the proportional weekly part of the former rent if rent was payable less often than weekly), and on default of any such advance weekly payment writ of possession shall issue forthwith and the sheriff shall evict the tenant forthwith.

2 Effective Date. This act shall take effect sixty days after its passage.

Rep. David Bradley spoke in favor of the committee report.

(discussion)

Rep. Brungot moved that HB 39 be indefinitely postponed and spoke in favor of the motion.

Rep. Merrill spoke against the motion.

Reps. Brummer, Rodgers and Gordon spoke in favor of the motion.

Reps. Coutermarsh and Drabinowicz spoke against the motion.

Rep. Donald Chase moved the previous question on the entire subject matter.

Sufficiently seconded.

Adopted.

A division was requested.

131 members voted in the affirmative and 117 in the negative, the motion failed, not having the necessary 2/3.

Rep. George Roberts requested a quorum count.

267 members having answered, a quorum was present.

Rep. George Roberts challenged the accuracy of the division and requested another division.

147 members having voted in the affirmative and 149 in the negative, the motion failed.

Amendment adopted.

Rep. Brungot requested a roll call on the third reading and subsequently withdrew her request.

A division was requested on third reading.

161 having voted in the affirmative and 130 in the negative, HB 39 ordered to third reading.

RECESS

AFTER RECESS

COMMITTEE REPORTS CONTINUED

HJR 4

authorizing the register of deeds to Strafford county to deliver some of the old record books into the custody of the Woodman Institute for display purposes. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Rep. Shirley Clark explained the resolution.

Ordered to third reading.

HB 46

establishing a line item budget for the city of Manchester. Ought to pass. Rep. Vachon for the Manchester Delegation.

Rep. Martineau offered an amendment and subsequently withdrew the amendment.

Ordered to third reading.

HB 50

providing for state construction and operation of water pollution facilities in the Winnipesaukee River Basin Watershed. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

AMENDMENT

Amend the bill by striking out all the Whereas clauses.

Amend 149-G:1, as inserted by section one of the bill by striking out the same and inserting in place thereof the following:

149-G:1 Authority to Construct and Operate. The New Hampshire water supply and pollution control commission is hereby authorized and directed to plan, construct, and operate, on behalf of certain municipalities within the Winnipesaukee River Basin, (including, but not necessarily limited to, Meredith, Laconia, Gilford, Belmont, Sanbornton, Tilton, Northfield, and Franklin) any and all sewage and waste disposal facilities (meaning only those facilities eligible for federal and state aid) required by said municipalities, in accordance with basin and regional treatment needs and objectives as established consistent with federal and state requirements for the control of water pollution. The word "construction" shall include all engineering services in addition to the construction of new sewage or waste treatment plants, pumping stations, and intercepting sewers; the altering, improving or adding to existing treatment plants, pumping stations; and intercepting sewers (except those intercepting sewers retained by municipalities and other facilities as determined by local option) ; and/or any other associated

work, the intent being to include within the commission area of responsibility all work considered eligible for financial assistance under the provisions of RSA 149-B and P.L. 660, 84th Congress (subsequent amendments thereof, or any other relevant federal legislation), and including any necessary land acquisition, easements and rights-of-way. In order to achieve a high degree of reliability and to provide for efficient layout, construction and maintenance of pollution control facilities, the commission is hereby authorized to locate sewer and related facilities in all public roadways, whether owned or controlled by municipality or state. The commission is also hereby obligated to restore the public roads, when disturbed for this purpose, to a condition acceptable to local and state highway authorities. Nothing herein shall be construed to impair or repeal the authority conferred upon municipalities, under the provisions of RSA 252, to construct main drains and common sewers. In order to provide funds for the foregoing, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding eight hundred thousand dollars, and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the date when interest shall be paid, and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. Such bonds or notes shall be paid within a period of twenty years. The payment of principal and interest on the bonds and notes issued under this section shall be made when due from the general funds of the state. Normal short term borrowing sales and accounting procedures shall be employed in connection with the above-authorized borrowing.

Amend 149-G:2, as inserted by section one of the bill by striking out the same and inserting in place thereof the following:

149-G:2 Existing Disposal Systems. Those municipalities which have undertaken construction (or engaged in engineering study, planning or design), as outlined in RSA 149-G:1, since July 1, 1947, are hereby declared entitled to payment retroactively for the municipal share of all payments (interest and principal) made to date by said municipalities in connection with such

construction. However, in no case shall a municipality be reimbursed in excess of ninety-five percent of the total eligible costs as defined in RSA 149-G:1. Any remaining payments due by the affected municipalities hereby automatically become the responsibility of the state of New Hampshire including engineering services contract costs, and the commission shall in future years reimburse the municipality (in accordance with the ninety-five percent formula) for its share of the annual amortization charges until such time as the debt shall have been totally extinguished. The intent of this provision is to place sole responsibility on the state of New Hampshire (except for federal or other grants) for payment of ninety-five percent of all charges (less federal and other grants) relating to eligible construction costs and to reimburse municipalities (in accordance with the method provided herein) for all past and future payments for which they have become obligated by reason of having constructed pollution abatement facilities prior to the effective date of this chapter. Municipalities entitled to reimbursement for past payments, as referred to hereunder, shall receive such reimbursement by means of a lump sum payment. In order to provide funds for the foregoing lump sum payments, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding seven hundred sixty-five thousand five hundred dollars, and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the date when interest shall be paid, and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. Such bonds or notes shall be paid within a period of twenty years. The payment of principal and interest on the bonds and notes issued under this section shall be made when due from the general funds of the state. Normal short term borrowing sales and accounting procedures shall be employed in connection with the above-authorized borrowing.

Amend section two of the bill by striking out the same and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated for the purpose of carrying out the provisions of RSA 149-G, as herein-

above inserted, the sum of eighty-seven thousand, three hundred eighty-nine dollars for the year ending June 30, 1973, and the governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated. The sum hereby appropriated shall be administered by the water supply and pollution control commission and shall not lapse but shall be added to the appropriation of the commission for any succeeding fiscal year to be used for the purposes herein contained.

(discussion)

Rep. French explained the bill.

Rep. Gordon commented on the bill.

Rep. Daniell spoke against the bill.

Reps. Burleigh, George Roberts and Kopperl spoke in favor of the amendment.

Rep. MacDonald moved the previous question on the committee amendment.

Adopted.

Amendment adopted.

Referred to Appropriations.

HB 41

relative to voter registration by town and city clerks. Refer to special voter re-registration committee. Rep. MacDonald for Statutory Revision.

Rep. Maglaras moved that the words, ought to pass, be substituted for the committee resolution setting up a study committee, and spoke in favor of the motion.

Rep. Leighton spoke against the motion.

(discussion)

Rep. MacDonald explained the bill.

Rep. MacDonald spoke against the motion.

Reps. Donald Chase, Tucker, Levy and Huot spoke in favor of the motion.

Rep. Desmarais moved the previous question on the entire subject matter.

Sufficiently seconded.

Adopted.

Rep. MacDonald requested a division.

It being manifestly in the affirmative, the Maglaras motion carried.

Ordered to third reading.

HB 29

limiting candidates for election to work in certain polling places. Inexpedient to legislate; that the subject be referred to the Attorney General for inclusion in his present study of the election laws. Rep. Russell Chase for Constitutional Revision.

The Committee recognizes the correctness of the principle involved in HB 29. Study of the RSA's indicate that, if the Bill is passed without consideration, in depth, of its effect on other sections of the election laws, severe hardship and, in some cases, contravening the wishes of the voters will result.

The study must be made by legal experts and, as the Attorney General is presently studying these laws, it seems wise to refer the subject to him.

Rep. Spirou moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate and spoke in favor of the motion.

(Rep. George Roberts in the Chair)

(discussion)

Reps. Lyons, Russell Chase, Hayes and Joseph Eaton spoke against the motion.

Rep. Allen moved that HB 29 be indefinitely postponed and spoke in favor of the motion.

Reps. Huot and Coutermarsh spoke against the motion.

Motion adopted.

HB 44

providing for the assessment of land at valuations based

upon the current use thereof. Majority: Ought to pass with amendment. Rep. Greene for Environmental Quality and Agriculture. Minority: Inexpedient to legislate. (Reps. Langley, Ames and Ruel)

Majority: provides stop gap protection for forest and farm land until June 30, 1973.
Minority: failure of bill to provide for recapture of lost revenue.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act

providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appraisal of Forest and Farm Land. Notwithstanding the provisions of RSA 75:1 the selectmen shall, from April 1, 1972 through June 30, 1973 inclusive, appraise forest and farm land, excluding any building, appurtenance or other improvement thereon, at valuations based upon the current use thereof. As used in this act:

A. "Farm land" means any land devoted to agricultural or horticultural use as determined and classified by criteria developed by the commissioner of agriculture and adopted by the board.

B. "Forest land" means any land devoted to silviculture as determined and classified by criteria developed by the state forester and adopted by the board.

2 Current Use Advisory Board; Members, Appointments, Term and Chairman.

I. There is hereby established a current use value advisory board which shall function within the tax commission.

II. The board shall consist of nine members to be appointed as follows:

(a) Three members who are assessing officials shall be appointed by the governor with the advise and consent of the council, one of whom shall be an assessing official in a town with a population of less than five thousand; one of whom shall be an assessing official in a town with a population of more than five thousand; and one of whom shall be an assessing official in a city. Each member shall hold office for the term of his position as assessing official, and until his successor shall have been appointed and qualified, and any vacancy shall be filled for the unexpired term by the governor with the advise and consent of the council.

(b) One member of the senate appointed by the president of the senate. The term of said member shall be coterminous with his term as senator to which he was elected at the time of his appointment. A vacancy shall be filled for the unexpired term by the president of the senate.

(c) One member of the house of representatives, appointed by the speaker of the house. The term of said member shall be coterminous with his term as representative to which he was elected at the time of his appointment. A vacancy shall be filled for the unexpired term by the speaker of the house.

(d) The commissioner of agriculture, or his designate.

(e) The commissioner of the department of resources and economic development, or his designate.

(f) The dean of the college of life sciences and agriculture of the university of New Hampshire, or his designate.

(g) One of the commissioners of the state tax commission, designated by the tax commissioners.

III. The board shall elect one of its members as chairman.

3 Duties. The board established by section 2 shall as far in advance as practical before April 1, 1972 and before each April first thereafter determine what in its opinion it suggests as the per unit current use value of the classes of land which pursuant to section 1 are to be appraised at such value. Such determination shall be by it submitted to the tax commission which commission shall distribute such suggested valuations to all selectmen and municipal assessing officials to assist them in carrying out the provisions of this act.

4 Valuation for Bonding Limit Purposes. For all purposes, including but not limited to the purposes of RSA 33:4-b, in computing the total valuation of all the land in a city or town, for land appraised at current use value under the provisions of this chapter, the valuation of said land shall be at the value as though it was appraised pursuant to RSA 75:1.

5 Effective Date. Sections 2 and 3 of this act shall take effect upon passage and the remainder of the act shall take effect on April 1, 1972. The provisions of and this entire act shall become a nullity, terminate and cease to be of any force and effect on July 1, 1973.

Rep. Elmer Smith spoke in favor of the majority report.

Rep. Greene explained the committee report.

Rep. Langley moved that HB 44 be indefinitely postponed and spoke in favor of the motion.

Reps. Colburn, Senter and James O'Neil spoke against the motion.

Reps. Gerry Parker and Robinson spoke in favor of the motion.

Rep. James O'Neil moved that further action on HB 44 be made a special order for 10:01 Wednesday next and spoke in favor of the motion.

Rep. Vachon spoke in favor of the motion.

Adopted.

Rep. James O'Neil moved that HB 17 be made a special order for 10:02 Wednesday next and spoke in favor of the motion.

Adopted.

VACATE

Rep. James O'Neil moved that the order whereby HB 77, relative to the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature, was referred to the committee on Labor, Human Resources and Rehabilitation be vacated and referred to the committee on State Institutions.

Adopted.

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that all bills and resolutions ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and further that when the House adjourns today, it be to meet Wednesday next at 10:00 o'clock.

LATE SESSION
THIRD READING AND PASSAGE BY HOUSE

HB 39, relative to landlord and tenant rights.

RECONSIDERATION

Rep. Zachos, having voted with the majority, moved that the House reconsider its action whereby it passed HB 39 and spoke against the motion.

Reconsideration lost.

HB 41, relative to voter registration by town and city clerks.

RECONSIDERATION

Rep. Maynard, having voted with the majority, moved that the House reconsider its action whereby it referred to Study Committee HB 41 and spoke against the motion.

Reconsideration lost.

THIRD READINGS CONTINUED

HJR 4, authorizing the register of deeds of Strafford County to deliver some of the old record books into the custody of the Woodman Institute for display purposes.

HB 46, establishing a line item budget for the city of Manchester.

On motion of Rep. MacDonald the House adjourned at 4:58 o'clock.

Wednesday, 23Feb72

The House met at 10:00 o'clock.

Deputy Speaker James O'Neil led the House in The Lord's Prayer.

PLEDGE OF ALLEGIANCE

Rep. Weeks led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Roger Duhaime and Keefe, the week, illness.
Rep. Higgins, the day, important business.
Rep. Underwood, the week, family affairs.

Rep. James O'Neil offered the following resolution:

RESOLUTION

Resolved, that House Bill number 80 shall be by this resolution read a first and second time by the therein listed title, laid on the table for printing and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading & referral

HB 80, relating to pari-mutuel pools. (Reddy of Merrimack Dist. 5 — To Ways and Means).

SUPREME COURT OPINION ON HB 70

To the House of Representatives:

The undersigned justices of the Supreme Court submit the following reply to the inquiry contained in your resolution adopted and filed with this court on February 15, 1972.

House Bill 70 is entitled "An Act establishing a statewide system for financing the basic costs of primary and secondary education through creation of a school fund and provisions to generate revenue therefor." It would establish at the state

level a system for financing the basic costs of public education by providing for a special fund to be distributed to school districts of the state according to a formula set forth in the bill. The fund would be established in part by means of a "school property tax" levied at a rate of twenty-two dollars per thousand of local assessment valuations (divided by the last assessment ratio computed under RSA 71:11, V) upon all taxable property in the state excepting residential real estate occupied by the owner as his principal place of abode, which the bill would exempt from the "school property tax."

The fund would be supported in further part by proceeds of a "school income tax" upon every resident individual and resident fiduciary at a rate of four and one-half per cent of his income substantially as determined for federal income tax purposes, with certain modifications and exemptions specified by the bill.

Your inquiry, directed solely to the provision of section 3 of the bill which would exempt "residential real estate" as defined by section 3 from the "school property tax" established by the section, is as follows: "Would any Constitutional provision be violated by the exemption of residential real estate from the School Property Tax, as proposed as a part of the financing system of H.B. 70?" Our answer is confined to your inquiry.

It is settled law that taxes upon property or estates must be laid at a common rate (*Opinion of the Justices,* 82 N. H. 561, 570), but that a general exemption from a property tax may be permitted without violation of the Constitution. " 'Inequality of taxes laid is forbidden, but inequality caused by taxing some property and not taxing other is permitted' *Opinion of the Justices,* 82 N. H. 561, 574, 138 A. 284 (1927). In the selective process of classifying certain property for taxation and exempting other property the Legislature has a wide discretion which will be sustained 'provided just reasons exist for the selection made.' *Opinion of the Justices,* 94 N. H. 506, 508;" *Opinion of the Justices,* 95 N. H. 548, 550, 65 A.2d 700 (1949). *See Opinion of the Justices,* 111 N. H. , , 276 A.2d 821, 824 (1971); *Allied Stores of Ohio Inc.* v. *Bowers,* 358 U. S. 522, 526-527, 79 S. Ct 437, 440, 3 L. Ed. 480, 484-485 (1959).

Just reason for the exemption of residential property from the proposed "school property tax" is suggested by the "declara-

tion of need and purpose" in section 1 of the bill, by which the Legislature finds that the existing general property tax under present day conditions, "imposes disproportionate burdens of taxation on persons having low and moderate income in each community and especially on such persons in communities having lesser amounts of taxable wealth per pupil . . .", a burden which the proposed "school income tax" is designed to relieve by substituting a more equitable tax. *See Opinion of the Justices,* 110 N. H. 206, 266 A.2d 111 (1970); *Opinion of the Justices,* 105 N. H. 22, 192 A.2d 22 (1963).

The bill does not call for abolition of the existing general property tax as now administered. If the bill is enacted, property in general, whether residential and owner-occupied or not, will continue to be subject to the property tax levied for the purpose of financing municipal and county operations apart from schools, as well as for the purpose of raising revenue for school expenses "not funded through distributions from the school fund under RSA 198-A." RSA 76-A:14 as proposed by H.B. 70, *s.* 2. *See* RSA 76:5, RSA 198:4, 4-a, 5.

Thus the net result of enactment of the exemption in question would be to subject residential and other property not occupied by the owner to property taxes at a total rate in excess of the rate at which owner-occupied residential property would continue to be taxed. The question thereby presented is whether this would produce an inequality and lack of uniformity forbidden by the Constitution. *Opinion of the Justices,* 111 N.H. , 276 A.2d 817, 819 (1971). We are of the opinion that it would not. The proposed "school property tax" would be a state tax at a uniform rate levied at the state level without regard to the proportions in which payments are made by taxpayers of those districts. On the other hand, taxes paid under the existing general property tax would continue to be levied as at present at the municipal level, and expended for municipal purposes at that level. In each case the property tax imposed would be uniform and equal within the taxing district, and constitutional requirements would thus be met. "If the State as a taxing district levies an *ad valorem* property tax . . . the Constitution does not require that this tax be levied at the average rate of taxation upon properties in the cities and towns throughout the state. . . ." *Opinion of the Justices,* 101 N. H. 549, 554-555, 137 A.2d 726 (1957). *See Railroad* v. *The State,* 60 N. H. 87 (1880).

While the question submitted by your resolution does not directly present the issue of whether the imposition of property taxes upon nonresidential properties at two levels would constitute double taxation of the sort forbidden by the Constitution, the question may arise. What the principle forbids is double taxation by a single taxing district. See *Opinion of the Justices,* 106 N.H. 202, 207, 208 A.2d 458 (1965); *Opinion of the Justices,* 84 N.H. 559, 577, 149 A. 321 (1930). We are of the opinion that the taxation proposed by the bill is not double taxation forbidden by the Constitution.

Your resolution requests our opinion "as expeditiously as possible because of the fact that the General Court is convened in Special Session only." Accordingly, our reply which is limited to your inquiry is that the Constitution would not be violated by the exemption of residential real estate from the "school property tax" as proposed by House Bill 70.

Frank R. Kenison
Laurence I. Duncan
Edward J. Lampron
William A. Grimes
Robert F. Griffith

February 22, 1972.

SENATE MESSAGE

INTRODUCTION OF SENATE BILLS

First and second reading & referral

SB 7, providing that associate justices of the superior court, justices of the district court, probate judges, or masters, in addition to judicial referees, may sit as chairmen of panels to hear professional malpractice claims. Judiciary.

SB 10, redistricting certain state senatorial districts. Reapportionment.

SB 12, permitting the industrial development authority to exceed its bonding limit if found necessary by governor and council to protect the interest of the state in any project. Transportation.

SB 13, permitting minors to receive medical treatment without parental consent. Public Health and Welfare.

QUORUM COUNT

Rep. Gordon requested a quorum count.

The Speaker read from Mason's Legislative Manual Sec. 504 Items 6 and 7.

6. When a member desires to call attention to the fact that no quorum is present, he should arise and address the presiding officer and without waiting to be recognized say, "I suggest the absence of a quorum." The presiding officer may then count the members or he may assume the responsibility of declaring a quorum present, or not present, without a count.

7. The question of no quorum is decided by the presiding officer as any other point of order, and is subject to appeal in the same manner.

The Speaker declared a quorum present.

Rep. Levy challenged the ruling of the Speaker and requested a division.

136 members having voted in the affirmative, and 64 in the negative, the ruling of the Speaker was sustained.

COMMITTEE REPORTS

HB 49

making appropriations for capital improvements and amending the 1969 capital budget. Ought to pass with amendment. Rep. Fortier for Public Works.

AMENDMENT

Amend the bill by striking out section 5 and inserting in place thereof the following new sections:

5 Water Resources. Amend Laws of 1969, 505:1, XV by striking out said paragraph and inserting in place thereof the following:

XV. Water resources:

(a) Dam reconstruction	
(1) Great East dam, Wakefield	30,000
(2) Pequaket Pond dam, Conway	25,000
(3) Little Sunapee Lake dam	15,000
(4) Horn Pond dam, Wakefield	12,000
(5) Cold River watershed project (jointly with state of Maine)	4,300*
Total subparagraph (a)	86,300

(b) Highway relocation Baker river site No. 1	142,000*	
(c) Sugar River site D-1 (state share only)	103,538*	
Total paragraph XV		331,838
Total section 1		$8,237,458

(*Notwithstanding the provisions of RSA 9:18 as amended, this appropriation shall not lapse under the provisions thereof until June 30, 1973.)

6 Term of Office. Amend RSA 227-B:3, V, as inserted by 1969, 427:1, by striking out in line one the word "three" and inserting in place thereof the word (five), so that said paragraph as amended shall read as follows: V. All such members so appointed shall serve a term of five years commencing with the effective date of this act. Vacancies shall be filled for the unexpired term in the same manner and by the same body as the original appointment was made.

7 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

HB 66

providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor. Ought to pass. Rep. Coburn for Public Works.

Referred to Appropriations.

HB 67

exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Transfer Tax. Amend RSA 78-B:1 as inserted by 1967,

320:1 as amended, by striking out said section and inserting in place thereof the following: 78-B:1 Transfer Tax. A tax is imposed upon the sale, granting, and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is fifteen cents per one hundred dollars, or fractional part thereof, of the price or consideration for such a sale, grant, or transfer; except that where the price or consideration is less than one hundred dollars there shall be no tax, and, except as exempted by section 2 of this chapter. Thirty-three and one third percent of the funds derived from the imposition of this tax shall be paid over to the treasurer and reserved for the use of the water supply and pollution control commission in administering the provisions of RSA 149-E. Funds which may accrue and which are in excess of the legislative appropriation made for the administration of RSA 149-E shall be transferred to the general fund.

2 Submission and Approval of Plans and Specifications. Amend RSA 149-E:3, I (supp) as inserted by 1967, 147:13 as amended, by inserting after the last sentence the following: (Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively into lots of five or more acres in area. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage and/or waste disposal systems in any such exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers such satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage and/or waste disposal systems in accordance with regulations and standards of the water supply and pollution control commission and the requirements of this chapter.) so that said paragraph as amended shall read as follows: I. Any person proposing either to subdivide land or to construct a sewage or waste disposal system shall submit two copies of plans for any such subdivision of land and two copies of plans and specifica- commission as hereinafter provided. The water supply and pollution control commission shall implement the requirement set forth herein relating to the submission of plans and specifications to the commission by promulgating such rules and regulations as it deems necessary to fully effectuate the purposes of

this chapter. Such rules and regulations shall be promulgated in the manner hereinafter provided in RSA 149-E:5, III. Without limitation of the foregoing, such rules and regulations shall specify when and where such plans and specifications are to be submitted, what details, data and information are to be contained in such plans and specifications, what tests are to be required, what standards, procedures and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, and property boundaries drawn to scale and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and said facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the commission. All inspections by the commission shall be accomplished within seven business days after receipt of written notification from the builder that such system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively into lots of five or more acres in area. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage and/or waste disposal systems in any such exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers such satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage and/or waste disposal systems in accordance with regulations and standards of the water supply and pollution control commission and the requirements of this chapter.

3 Notice Required. Amend RSA 149-E:3, II (supp) as inserted by 1967, 147:13, by striking out said section and inserting in place thereof the following: II. The commission shall give notice in writing to the person submitting the plans and specifications for subdivision of land of its approval or disapproval of such plans and specifications within thirty days of the date they are received by the commision and shall give notice in writing to the person submitting plans and specifications for sewage or waste disposal systems of its approval or disapproval of such plans and specifications within fifteen days of the date

they are received by the commission. Unless such written disapproval shall be mailed to the person submitting plans and specifications within thirty days in the case of plans and specifications for subdivision of land and fifteen days in the case of plans and specifications for sewage or waste disposal systems from the date of receipt by the commission, the plans and specifications shall be deemed to have been approved. The commission shall send a copy of the approval or disapproval of such plans and specifications to the planning board or board of selectmen of the affected municipality.

4 Effective Date. This act shall take effect July 1, 1972.

Amendment adopted.

Referred to Appropriations.

HB 5

permitting police employees of larger cities to enter the N.H. retirement system. Refer to Fiscal Committee, to be included in their study of the Retirement system. Rep. Drake for Appropriations.

Resolution adopted.

HB 61

enacting a Health Maintenance Organization Act and a Hospital Rate Setting Act, changing certain penalties in the insurance laws requiring the filing minimum standards for and approval of certain insurance documents, and relative to the board of directors and by-laws of hospital service and medical service corporations. Refer to Banks and Insurance Committee for further study. Rep. Bigelow for Banks and Insurance.

(discussion)

Rep. Gordon requested a roll call.

Not sufficiently seconded.

Resolution adopted.

HB 54

authorizing an amendment of the Amherst-Milford authorized regional enrollment area plan in order to reduce the number of grades covered by the plan. Ought to pass with amendment. Rep. Abbott for Education.

Allows Amherst and Milford to decide on a change in its own AREA plan.

AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Responsibility of Amherst with Respect to Outstanding Obligations. Notwithstanding the adoption of any amendment to the AREA plan authorized by this act, Amherst school district (hereinafter called Amherst) shall remain responsible for paying junior high school tuition to Milford school district (hereinafter called Milford) in the same manner and to the same extent as though pupils in grades 7 and 8 residing in Amherst were attending the AREA junior high school in Milford. In any amendment to the AREA plan authorized by this act, Milford may agree with Amherst that Milford will pay in full or in part the obligations incurred by Milford to finance the construction of the said AREA junior high school which are outstanding when said amendment takes effect, and Amherst may agree to release any equity which it may have in said building under RSA 195-A. In the event that Amherst and Milford so agree and Milford pay its obligations described above in accordance with such agreement, Amherst shall only be required to make such payments to Milford as agreed upon pursuant to this section. If, after the effective date of such amendment to the AREA plan, Amherst makes any payment to Milford in fulfillment of its responsibilities under this section, Amherst shall thereafter be entitled to recover back such payment from Milford, but such right of recovery shall be subordinate to and shall in no way impair Milford's capacity to pay such obligations, and such right of recovery shall not reduce or be set off against Amherst's responsibility to make any subsequent payments to Milford in accordance with this section.

Amend section 3 by striking out in line three the words "bonded indebtedness" and inserting in place thereof the word (tuition) so that said section as amended shall read as follows:

3 Matters Not Affected by Amendment. The adoption of an amendment to the AREA plan authorized by this act shall not (a) affect Amherst's obligation to pay its share of senior high school tuition to Milford under the AREA plan, or (b) cause any increase in the amount chargeable against Milford's debt limit on account of any obligations incurred to finance the construction of the AREA junior high school which are

outstanding when said amendment takes effect, or (c) affect in any way any state guarantee with respect to obligations outstanding when said amendment takes effect, or (d) cause any reduction in the amount of state school construction aid with respect to the AREA junior high school to which Milford would be entitled if the AREA plan were not amended, except that this clause (d) shall not be applicable with respect to construction costs incurred after an amendment to the AREA plan authorized by this act takes effect.

Amendment adopted.

Ordered to third reading.

HJR 5

establishing an interim committee to study a deferred tuition program for the state. Ought to pass with amendment. Rep. Abbott for Education.

AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

There is hereby established an interim commission to study the feasibility of establishing a system of deferred tuition for the state of New Hampshire. The commission shall consist of eight members as follows: the president of the University of New Hampshire, or his designee; the commissioner of education, or his designee; three residents of the state, one of whom shall be a student in good standing enrolled in the New Hampshire university system, appointed by the governor; two members of the house of representatives appointed by the speaker; and one senator appointed by the president of the senate. The members shall serve without compensation, but the three members appointed by the governor shall be entitled to the same mileage and expenses when engaged in the work of the commission as state employees and the three members of the general court shall be entitled to expenses and legislative mileage when engaged in the work of the commission. The commission shall investigate, study and research the concept of deferred tuition and any related areas to ascertain the feasibility of the implementation of such a concept. It shall make a report of its findings by December 15, 1972 to the speaker of the house and president of the senate to be referred to the 1973 session of

the general court, and its report shall include a draft of any legislation which it proposes.

Amendment adopted.

Ordered to third reading.

HB 68

relative to permitted earnings for retired teachers and state employees. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Ordered to third reading.

HB 74

relative to flammable fabrics. Ought to pass with amendment. Rep. Knight for Labor, Human Resources and Rehabilitation.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Authority of State Fire Marshal. Amend RSA 153 by inserting after section fourteen the following new sections:

153:14-a Fabric Safety. Following any fire fatality, serious accident or conclusive information on the high rate of flammability involving garments, clothing or fabric materials, the state fire marshal, or his authorized officers, with the approval of the commissioner of safety, is authorized to require the vendor or merchant to cease and desist in the sale or distribution of such material, if said material is deemed by him to represent a dangerous fire hazard due to the rapid rate of flammability. This prohibition in the sale or distribution of such garments, clothing, home furnishings, carpets, mattresses, and fabric materials shall continue until such time as the questioned garment, clothing, home furnishings, carpets, mattresses or fabric material proves safe for general use by the public.

153:14-b Penalty for Violation. Whoever shall violate the provisions of RSA 153:14-a shall upon conviction thereof be fined not less than one hundred dollars for each offense and each day in violation constitutes a new offense.

2 Authorization. The speaker of the house, president of the

senate, state fire marshal and two representatives of industry are authorized to initiate and negotiate with other appropriate legislative officers of each of the New England states, in an attempt to standardize within these jurisdictions guidelines for rules, regulations, laws and statutes relating to the requirements of fabric manufacturers to make their materials used in wearing apparel safer with respect to the rate of flammability. The speaker and president shall report to the legislature on this action December 15, 1972.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

HB 26

amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases. Ought to pass with amendment. Rep. Ackerson for the Manchester Delegation.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Competitive Bidding. Amend Laws of 1971, 551:6 by adding at the end thereof the following:

(In determining "lowest responsible bidder," in addition to price, the following shall be considered:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

(6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(7) The quality, availability and adaptability of the supplies, or contractual services to the particular use required;

(8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

(9) The number and scope of conditions attached to the bid.

Where the cost of the service is fixed by law, competitive bidding shall not be required.

Where the proposed purchase is manufactured by only one company, or where it is deemed advisable to make the purchase from a specific company to reduce costs of maintaining additional maintenance parts, the finance committee of the board of mayor and aldermen, at the request of the department concerned, is authorized to waive the competitive bidding procedure.

Where the purchase is of insurance, the finance committee of the board of mayor and aldermen is authorized, upon a finding that such will be in the best interests of the city, to waive the competitive bidding requirement and procedure.

Competitive bidding by a department shall not be required if items can be procured through the state purchasing department either by direct purchase or from the state supplier at the state price providing the department files a full report with the finance committee of the board of mayor and aldermen.

Competitive bidding shall not be required where a department is able to negotiate prices for items of purchase that are lower than bid prices for the same material in the same transportation zone, providing the department files a full report with the finance committee of the board of mayor and aldermen substantiating the fact.

Competitive bidding shall not be required whenever contracts may be extended at the same price or a lower price for another year or any part of a year, providing a full report is filed by the department with the finance committee of the board of mayor and aldermen.

Competitive bidding shall be interpreted to include 'guaranteed annual cost" purchasing whenever applicable whenever this factor is considered to be of value in obtaining the lowest possible "annual cost" for the department.

In case of an emergency which requires immediate purchase of supplies or contractual services, the department concerned is authorized to secure by open market procedure, at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure. A full report of the circumstances of the emergency purchase shall be filed with the finance committee of the board of mayor and aldermen and shall be open to public inspection.) so that said section as amended shall read as follows:

551:6 Competitive Bidding. All purchases made by the city of Manchester for materials, equipment, supplies, services, building repairs, or any other item, in an amount exceeding five hundred dollars shall be by competitive bidding. Awards for such purchases shall be made to the lowest responsible bidder. Orders for purchases to be delivered at different times where the single delivery may be less than five hundred dollars, but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.

In determining "lowest responsible bidder," in addition to price, the following shall be considered:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

(6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(7) The quality, availability and adaptability of the supplies, or contractual services to the particular use required;

(8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

(9) The number and scope of conditions attached to the bid.

Where the cost of the service is fixed by law, competitive bidding shall not be required.

Where the proposed purchase is manufactured by only one company, or where it is deemed advisable to make the purchase from a specific company to reduce costs of maintaining additional maintenance parts, the finance committee of the board of mayor and aldermen, at the request of the department concerned, is authorized to waive the competitive bidding procedure.

Where the purchase is of insurance, the finance committee of the board of mayor and aldermen is authorized, upon a finding that such will be in the best interests of the city, to waive the competitive bidding requirement and procedure.

Competitive bidding by a department shall not be required if items can be procured through the state purchasing department either by direct purchase or from the state supplier at the state price providing the department files a full report with the finance committee of the board of mayor and aldermen.

Competitive bidding shall not be required where a department is able to negotiate prices for items of purchase that are lower than bid prices for the same material in the same transportation zone, providing the department files a full report with the finance committee of the board of mayor and aldermen substantiating the fact.

Competitive bidding shall not be required whenever contracts may be extended at the same price or a lower price for another year or any part of a year, providing a full report is filed by the department with the finance committee of the board of mayor and aldermen.

Competitive bidding shall be interpreted to include "guaranteed annual cost" purchasing whenever applicable whenever

this factor is considered to be of value in obtaining the lowest possible "annual cost" for the department.

In case of an emergency which required immediate purchase of supplies or contractual services, the department concerned is authorized to secure by open market procedure, at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure. A full report of the circumstances of the emergency purchase shall be filed with the finance committee of the board of mayor and aldermen and shall be open to public inspection.

2 Referendum. The provisions of this act shall not take effect unless it is adopted by a majority vote at the biennial held in the city of Manchester in November, 1972, as hereinafter provided. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot the following question: "Shall the provisions of 'An Act amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases.' passed at the 1972 special session of the legislature, be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of this chapter shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting on this question at said election vote in the affirmative on this question, section 2 of this act shall be declared to have been adopted. Within ten days after said election, the city clerk shall certify to the secretary of state the result of said vote.

3 Effective Date. Section 2 of this act shall take effect upon its passage and if the act shall be adopted at the election in November, 1972, the remainder of this act shall take effect on January 1, 1973.

Amendment adopted.

Ordered to third reading.

HB 58

amending the charter of the city of Manchester changing the title of the commissioner of welfare to director of human services, providing for his appointment instead of election, and requiring that he have certain educational and experience qual-

ifications. Refer to interim study committee of the Manchester Delegation and report back to 1973 session. Rep. Ackerson for Manchester Delegation.

Resolution adopted.

HB 71

relative to the acquisition and disposal of industrial facilities. Ought to pass with amendment. Rep. Barker for Municipal and County Government.

AMENDMENT

Amend RSA 162-G:10 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

162-G:10 Action by the Governmental Unit. All actions by the governmental unit shall, in the case of a county, be authorized by at least two-thirds of the county convention present and voting at a meeting of the convention duly called for such purpose, provided that a majority of the whole convention shall be present; in the case of a city, action shall be authorized by a two-thirds vote of all the duly-elected members of the city council; in the case of a town, action shall be authorized by two-thirds of the registered voters present and voting at a regular or duly-called special town meeting. Action under this chapter may be in concert with the industrial development authority acting under RSA 162-A or RSA 162-E or projects may be sold to such authority at any time during their development. Industrial facilities may be located outside the boundaries of the governmental unit undertaking the project if such projects are approved by the governing body of the governmental unit in which they are located in the manner set forth above. No action may be taken by a town less than fifteen days after the hearing or by a city less than seven days.

Amendment adopted.

Ordered to third reading.

HB 56

relative to the procedure to be followed by medical referees. Ought to pass. Rep. Barbara Thompson for Public Health and Welfare.

Ordered to third reading.

HB 59

regulating users of ionizing radiation in the healing arts. Refer to Committee on Public Health and Welfare for further study. Rep. Barbara Thompson for Public Health and Welfare.

Resolution adopted.

HB 3

correcting certain errors in the acts relative to reapportionment of Keene representatives to the general court and delegates to the state convention. Ought to pass. Rep. Russell Chase for Reapportionment.

Ordered to third reading.

HJR 2

establishing an interim committee to study the redistricting of county commissioner districts. Inexpedient to legislate. Rep. Russell Chase for Reapportionment.

Resolution adopted.

SB 9

relative to redistricting the congressional districts. Ought to pass. Rep. Russell Chase for Reapportionment.

Ordered to third reading.

HB 69

amending the charter of the city of Rochester by redrawing the ward lines to provide for five wards, and providing for the election of city officials on the basis of five wards; and reapportioning the representative districts in said city. Ought to pass. Rep. Balomenos for the Rochester Delegation.

Ordered to third reading.

HB 64

relative to public utility services. Inexpedient to legislate. Rep. MacDonald for Statutory Revisions.

All except municipal utilities are currently covered by PUC rules and regulations. Including municipal utilities should be subject of further study at a regular session.

Resolution adopted.

HJR 3

to authorize Portsmouth and Dover to verify their check-

lists in 1972 rather than 1973. Ought to pass. Rep. MacDonald for Statutory Revision.

This resolution allows Portsmouth and Dover to re-register because of new ward lines.

Ordered to third reading.

HB 65

requiring filing of social security numbers with department of probation. Ought to pass. Rep. Malcolm Stevenson for Labor, Human Resources and Rehabilitation.

Ordered to third reading.

HB 53

relative to the date for the collection of taxes in the city of Dover. Inexpedient to legislate. Rep. Parnagian for the Dover Delegation.

Resolution adopted.

HB 38

amending the Lebanon city charter to provide that the mayor shall make all appointments other than certain exceptions subject to the approval of the council. Ought to pass with amendment. Rep. Foster for the Lebanon Delegation.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Mayor. Amend 1957, 419:17 as amended by 1969, 590:3 by striking out said section and inserting in place thereof the following: 419:17 Mayor. The council shall at its first meeting in January following its election choose one of its members as mayor for the duration of his then existing term as councilman. He shall preside at meetings of the council and may speak and vote in such meetings. He shall be recognized as head of the city for all ceremonial purposes. He shall make all appointments except the members of the personnel advisory board and those specific appointments set forth in 1957, 419:32, as amended, subject to the approval of the council. All other duties of the mayor prescribed by law shall be exercised by the manager provided for in this charter. The council shall also from its members elect an assistant mayor who shall act as mayor during

the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term.

Rep. Merrill explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 6

eliminating the inclusion of interest charges in the limits on state guarantees of municipal sewage bonds, and increasing the total aggregate sum allowed. Ought to pass with amendment. Rep. Drake for Appropriations.

AMENDMENT

Amend the bill by striking out the title and inserting in place thereof the following:

AN ACT

increasing the total aggregate sum allowed
on state guarantees of municipal sewage bonds.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Total Aggregate Sum Increased. Amend RSA 149:5, as amended, by inserting in lines five and fourteen after the word "hundred" the words (and thirty-five) so that said section as amended shall read as follows: 149:5 State Guarantee. In view of the general public benefits resulting from the elimination of pollution from the public waters of the state, the governor and council are authorized in the name of the state of New Hampshire to guarantee unconditionally, but at no time in excess of the total aggregate sum for the entire state of one hundred and thirty-five million dollars, the payment of all or any portion, as they may find to be in the public interest, of the principal of and interest on any bonds or notes issued by any municipality, town, city, county, or district for construction of sewage systems, sewage treatment and disposal plants, or other facilities necessary, required or desirable for pollution control, and the full faith and credit of the state are pledged for any such guarantee The outstanding amount of principal and interest on

such bonds and notes, the payment of which has been guaranteed by the state under the provisions of this section, shall at no time exceed the amount of one hundred and thirty-five million dollars. The state's guarantee shall be endorsed on such bonds or notes by the state treasurer; and all notes or bonds issued with state guarantee shall be sold at public sealed bidding to the highest bidder. Any and all such bids may be rejected and a sale may be negotiated with the highest bidder. In the event of default in payment of any such notes or bonds, the state may recover any losses suffered by it by action against the town as provided in RSA 530.

Rep. Drake explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 20

providing that families of prisoners of war in Asia be given free tuition in the state's institutions of higher learning. Ought to pass with amendment. Rep. Drake for Appropriations.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

providing that children of prisoners of war in South East Asia be given free tuition in the state's institutions of higher learning.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Free Tuition. Amend RSA 187 by inserting after section 14 the following new section: 187:14-a Tuition Waived. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged or captured by the enemy during the South East Asian conflict, any child, of such person, enrolled after the effective date of this

section, in the University of New Hampshire, or Plymouth State College or Keene State College shall, so long as said person is so reported, listed, interned, beleaguered, besieged or captured, not be required to pay tuition for attendance thereat. The board of trustees of the university system may require such proof as they may deem necessary in order for a person to qualify for free tuition hereunder.

2 Technical Institutes and Vocation-Technical Schools. Amend RSA 188-A by inserting after section 8 (supp) the following new section: 188-A:8-a Tuition Waived. If a person is domiciled in this state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged or captured by the enemy during the South East Asian conflict, any child of such person, enrolled after the effective date of this section in a technical institute or a vocational-technical institute shall, so long as said person is so reported, listed, interned, beleaguered, besieged or captured, not be required to pay tuition for attendance thereat. The state board of education may require such proof as they deem necessary in order for a person to qualify for free tuition hereunder.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 24

establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles. Ought to pass with amendment. Rep. Drake for Appropriations.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Committee Established. There is hereby established a committee to study and examine controls for the state to adopt to regulate the use of snowmobiles and all terrain vehicles. The committee shall be composed of three members of the house,

appointed by the speaker, two members of the senate, appointed by the president of the senate, the commissioner of the department of resources and economic development or his designee, the commissioner of safety or his designee, the director of fish and game or his designee, the president of the New Hampshire Snowmobile Association, a representative from the White Mountain National Forest, a representative from the New Hampshire Timberland Owners Association and two members at large appointed by the governor. The members shall choose a chairman. The committee shall make a careful study of the laws presently in effect out of this state and propose new legislation designed to regulate snowmobiles and all terrain vehicles in this state. The committee shall make a report of its findings and recommendations to the 1973 session of the general court not later than December 15, 1972.

2 Appropriation. The sum of twenty-five hundred dollars is hereby appropriated for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Registration Fees. Amend RSA 269-B:8 (supp) as inserted by 1969, 488:1 by striking out said section and inserting in place thereof the following:

269-B:8 Registration Fees. The fees to be collected by the commissioner under this chapter are as follows:

I. Individual resident registration — nine dollars for each registration.

II. Individual nonresident registration — nine dollars for each registration.

III. Dealer registration — ten dollars for each plate or set of plates; rental plates — ten dollars for each plate or set of plates.

IV. Registration after transfer as provided in RSA 269-B:10 — two dollars.

From each registration fee collected pursuant to paragraph I: three dollars shall be transferred to the state fish and game department; one dollar shall be transferred to the state department of safety; and five dollars shall be transferred to the general fund; pursuant to paragraph II: four dollars shall be trans-

ferred to the department of resources and economic development for publications, trails, and facilities in support of snowmobiling; and five dollars shall be transferred to the general fund. All other registration fees collected under this section shall be transferred to the general fund.

4 Effective Date. Sections one and two of this act shall take effect upon its passage; and section three shall take effect on July 1, 1972.

Rep. Drake explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 60

appropriating general fund revenue in excess of estimates. Inexpedient to legislate. Rep. Drake for appropriations.

Resolution adopted.

HB 63

relative to prefinancing of a sewage treatment facility in the city of Manchester and making an appropriation therefor. Recommended but to be laid on the table because not funded. Rep. Drake for Appropriations.

Resolution adopted.

HB 75

changing the basis for retirement benefits for group I members from the highest five to the highest three years compensation, Refer to Fiscal Committee for further study with proposed amendment. Rep. Drake for Appropriations.

Resolution adopted.

HJR 1

making an appropriation for construction at Old Fort Number Four. Inexpedient to legislate. Rep. Drake for Appropriations.

Resolution adopted.

The Speaker introduced Mayor of the City of Los Angeles, Sam Yorty, who addressed the House briefly.

COMMITTEE REPORTS CONTINUED

HB 52

authorizing the city of Dover to acquire, develop and operate industrial parks within the city and to aid the construction and expansion of industrial facilities within the city by the issue of revenue bonds. Refer to the Supreme Court for opinion. Rep. Parnagian for the Dover Delegation.

PROPOSED RESOLUTION REQUESTING ADVISORY OPINION OF THE JUSTICES:

Whereas, there is pending before the House of Representatives, HB 52, An Act authorizing the city of Dover to acquire, develop and operate industrial parks within the city and to aid the construction and expansion of industrial facilities within the city by the issue of revenue bonds, and

Whereas, said bill, if enacted into law, would enable the city of Dover, after findings of public purpose are made by the city council of said city, to engage in two types of industrial assistance programs, the first program consisting of the acquisition and development of land within the city for use as industrial parks, the construction therein of industrial park buildings, the financing of such acquisition, development and construction with city funds, the operation and maintenance of such parks and buildings, and the sale or lease of such land and buildings for not less than the fair value thereof, and the second program consisting of aiding the construction and expansion of industrial facilities within the city, but without the use of city funds other than funds raised through the issue of industrial development revenue bonds, and

Whereas, under Article 12 of Part First, Articles 5 and 6 of Part Second and other provisions of the Constitution of New Hampshire and under the Fourteenth Amendment to the Constitution of the United States, public funds may not be used for private ends, and

Whereas, Article 5 of Part Second of the Constitution of the State of New Hampshire, in conferring law making powers on the general court, also provides specifically, ". . . that the general court shall not authorize any town to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits or in any

way aid the same by taking its stock or bonds.", and

Whereas, the proposed act contemplates the sale or leasing of industrial park land and buildings to profit making corporations and business enterprises and the financing of industrial facilities which are to be occupied and eventually owned by such corporations or enterprises, but such proposed act does not authorize the city to acquire the stock or bonds of such corporations or enterprises, and

Whereas, the first paragraph of Article 39 of Part First of the Constitution of the State of New Hampshire provides, "No law changing the charter or form of government of a particular city or town shall be enacted by the legislature except to become effective upon the approval of the voters of such city or town upon a referendum to be provided for in said law.", and

Whereas, the proposed act does not contain any provision for a referendum in the city of Dover, and

Whereas, questions have arisen as to the constitutionality of the proposed act, now therefore, be it

Resolved, that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1. May the findings of public purpose required by sections 5 and 14 of the proposed act constitutionally be made by the city council of the city of Dover rather than by a state agency or by state officials?

2. Are the provisions of the proposed act authorizing the city of Dover to engage in the first type of industrial assistance program (industrial parks and buildings) unconstitutional as an authorization of the expenditure of public funds for other than a public purpose?

3. Are the provisions of the proposed act authorizing the city of Dover to engage in the first type of industrial assistance program unconstitutional as an authorization of the city of Dover to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits?

4. Are the provisions of the proposed act authorizing the city of Dover to engage in the second type of industrial assis-

tance program (financing industrial facilities with revenue bonds) unconstitutional as an authorization of the expenditure of public funds for other than a public purpose?

5. Are the provisions of the proposed act authorizing the city of Dover to engage in the second type of industrial assistance program unconstitutional as an authorization of the city of Dover to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits?

6. Is the proposed act a law changing the charter or form of government of the city of Dover?

7. If the answers to questions 2 through 5 above indicate that the proposed act is constitutional in part or in whole, is the proposed act constitutional upon its face in other respects?

Be It Further Resolved that the Speaker transmit seven copies of these resolutions and HB 52 to the Clerk of the Supreme Court for consideration by said court.

Resolution adopted.

SUSPENSION OF RULES

On motion of Rep. James O'Neil, the rules of the House were so far suspended as to place the following HB's, HJR's, and SB on third reading and final passage at the present time.

THIRD READING AND FINAL PASSAGE BY HOUSE

HB 54, authorizing an amendment of the Amherst-Milford authorized regional enrollment area plan in order to reduce the number of grades covered by the plan.

HJR 5, establishing an interim committee to study a deferred tuition program for the state.

HB 68, relative to permitting earnings for retired teachers and state employees.

HB 65, requiring filing of social security numbers with department of probation.

HB 74, relative to flammable fabrics.

HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases.

HB 71, relative to the acquisition and disposal of industrial facilities.

HB 56, relative to the procedure to be followed by medical referees.

HB 3, correcting certain errors in the acts relative to reapportionment of Keene representatives to the general court and delegates to the state convention.

SB 9, relative to redistricting the congressional districts.

HB 69, amending the charter of the city of Rochester by redrawing the ward lines to provide for five wards and providing for the election of city officials on the basis of five wards; and reapportioning the representative districts in said city.

HJR 3, to authorize Portsmouth and Dover to verify their checklists in 1972 rather than 1973.

HB 6, increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds.

HB 20, providing that children of prisoners of war in South East Asia be given free tuition in the state's institutions of higher learning.

HB 24, establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles.

HB 38, amending the Lebanon city charter to provide that the mayor shall make appointments other than certain exceptions subject to the approval of the council.

(Deputy Speaker in the Chair)

COMMITTEE REPORTS CONTINUED

HB 47

requiring no-fault motor vehicle insurance, and enacting a bumper safety statute. Refer to Banks and Insurance Committee for further study and report back to the legislature not later than December 15, 1972. The members of the committee when engaged in the business thereof shall receive legislative mileage and expenses. Rep. Bigelow for Banks and Insurance.

Reps. Cobleigh and Shortlidge abstained from voting on HB 47 under Rule 16.

Rep. Raiche moved that the words, ought to pass, be substituted for the committee report and spoke in favor of the motion.

Rep. Bigelow spoke against the motion.

(discussion)

Rep. Mallat spoke in favor of the motion.

Reps. Joseph Cote and Robinson spoke against the motion.

A division was requested.

It being manifestly in the negative, the motion lost.

Resolution adopted.

HB 43

making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973 and making other budgetary changes. Ought to pass with amendment. Rep. Drake for Appropriations.

Rep. Drake explained the committee report.

(discussion)

Rep. Cobleigh offered an amendment and moved suspension of rules to dispense with the reading of the amendment.

Adopted.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act

making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of permanent classified state employees, establishing a state classified personnel and management study commission and making an appropriation therefor.

Amend the bill by striking out in section 10 paragraphs

III and IV and renumbering V and VI to read III and IV.

Further amend section 10 by striking out the line "Net appropriation for board of education $128,501 $2,244,311" and inserting in place thereof the line (Net appropriation for board of education $11,740 $407,793) .

Further amend the bill by striking section 11 and inserting in place thereof the following:

11 Higher education fund	Fiscal 1972	Fiscal 1973
University of New Hampshire and Plymouth State College	$.....	$405,592
Total for higher education fund	$.....	$405,592bs

bs. For the fiscal years ending June 30, 1972 and 1973, the millage formula provided by RSA 187:24 is hereby suspended, and the sums hereby appropriated shall be the total appropriation for the University of New Hampshire, Plymouth state college, and Keene state college and shall be in lieu of requirements for appropriation under said RSA 187:24.

Out-of-state tuition shall be set annually by the Board of Trustees at a figure which reflects actual cost of per capita operating costs including instructional expenses, overhead, and bond retirement (excluding self-liquidating bonds) as determined by the costs in the fiscal year just preceding the first of January for the fiscal year in which the tuition is to be charged.

Amend the bill by striking out section 50 and inserting in place thereof the following new sections:

50 New Salary Ranges. Amend RSA 99:1 (supp), as amended, by striking out said section and inserting in place thereof the following: 99:1 Salaries Established. The salary ranges for all classified employees shall be established commencing on June 23, 1972 as follows:

Salary Grade	Minimum Step	Step 1	Step 2	Step 3	Maximum Step
1	4526.08	4642.04	4758.00	4873.96	4989.92
2	4632.94	4748.44	4863.95	4979.46	5094.96
3	4739.02	4854.26	4969.51	5084.76	5200.00
4	4806.88	4981.14	5155.41	5329.68	5503.94

5	4949.10	5176.60	5404.10	5631.60	5859.10
6	5124.08	5364.06	5604.04	5844.02	6084.00
7	5367.96	5650.00	5932.03	6214.06	6496.10
8	5593.12	5875.09	6157.06	6439.03	6721.00
9	5818.02	6100.25	6382.48	6664.71	6946.94
10	6049.94	6355.96	6661.98	6968.00	7274.02
11	6269.12	6622.85	6976.58	7330.31	7684.04
12	6596.98	6992.50	7388.03	7783.56	8179.08
13	6808.10	7252.57	7697.04	8141.51	8585.98
14	7246.98	7708.74	8170.50	8632.26	9094.02
15	7647.90	8127.66	8607.43	9087.20	9566.96
16	7913.10	8412.56	8912.02	9411.48	9910.94
17	8181.94	8699.21	9216.48	9733.75	10251.02
18	8574.02	9122.49	9670.96	10219.43	10767.90
19	8966.88	9545.38	10123.88	10702.38	11280.88
20	9374.04	9956.31	10538.58	11120.85	11703.12
21	9780.94	10365.94	10950.94	11535.94	12120.94
22	10305.88	10981.16	11656.45	12331.74	13007.02
23	10827.96	11529.24	12230.53	12931.82	13633.10
24	11351.08	12078.30	12805.52	13532.74	14259.96
25	12208.04	12994.54	13781.04	14567.54	15354.04
26	12626.12	13429.06	14232.01	15034.96	15837.90
27	13044.98	13865.22	14685.45	15505.68	16325.92
28	13485.94	14348.94	15211.95	16074.96	16937.96
29	13931.06	14835.80	15740.53	16645.26	17550.00
30	14374.88	15322.19	16269.50	17216.81	18164.12
31	15460.12	16445.84	17431.57	18417.30	19403.02
32	16545.10	17569.04	18592.99	19616.94	20640.88
33	17864.08	18991.83	20119.58	21247.33	22375.08
34	19185.92	20416.96	21647.99	22879.02	24110.06

51 Appropriation. There are hereby appropriated for the fiscal year ending June 30, 1973 for the salary increases for permanent classified employees as provided herein, the following sums: $2,827,213.81 from the general funds of the state, $1,673,634.38 from highway funds, $175,147.37 from fish and game funds, $761,314.52 from federal funds, $201,285.35 from self-sustaining and toll funds, and $59,279.17 from recreation funds.

52 State Classified Personnel and Management Study Commission. There is hereby established a state classified personnel and management study commission consisting of six members.

Two shall be appointed by the president of the senate, two by the speaker of the house, and two by the governor. The governor shall designate one member as chairman of the commission. The members shall not receive any salary, but shall be entitled to reimbursement of legislative mileage and reasonable expenses incurred in the performance of their duties under this act.

53 Powers of the Commission. The commission is authorized and empowered for the purposes of this act:

I. To apply for, receive, accept, make use of and expend funds, services or personnel from any public or private sources.

II. Subject to the governor's approval, to hire, employ, or contract with any person or persons.

54 Objectives. The commission shall conduct a study to reach the following objectives:

I. A comprehensive analysis on a statewide basis as to why specific jobs are being performed within state departments;

II. A broad understanding as to how jobs function from department to department;

III. Recommendations as to the effectiveness and efficiency of statewide job performance;

IV. Recommendations as to savings which would be realized by improvement in present job efficiency or by elimination of duplicate or obsolete job functions; and

V. A detailed, practical program, which should describe those steps necessary to be implemented in order to realize the savings and operational improvements developed as a result of the study.

55 Duties of the Commission. The commission shall·

I. Make a thorough evaluation of the state personnel system:

II. Cause a performance, management and operations analysis to be made of the state personnel department;

III. Determine if and in what areas the policies, procedures and programs of the department of personnel and the personnel commission could be strengthened or enlarged. The areas for consideration and study shall include the following:

(a) Sufficiency of the department of personnel's staff and appropriation for it to meet its statutory requirements;

(b) The state's classification plan;

(c) The state's compensation plan;

(d) Recruitment and selection program;

(e) Overtime and differential pay;

(f) Employee performance or merit rating;

(g) The state's longevity pay plan;

(h) Management development and training;

(i) Personnel records;

(j) Appointments, promotions and transfers;

(k) Manpower planning;

(l) Personnel attitude survey; and

(m) The state tenure system and the manner of employee evaluation prior to the granting of tenure.

IV. Review the existing laws and regulations relating to state employees, and report on such revisions as seem desirable for the betterment of state service;

V. Ascertain the cost, and administrative requirements necessary for establishing in-service training programs for classified employees, for the biennium beginning July 1, 1973.

VI. Ascertain the cost and administrative requirements necessary for establishing a discretionary fund for rewarding worthy state employees, for exceptional service to the state.

56 Report and Recommendations. No later than December 15, 1972, the commission shall report its findings and recommendations to governor and council and the general court, together with any proposed legislation necessary to carry out its recommendations. Interim reports shall be rendered if required by any session of the general court convening before the above date.

57 Appropriation. The sum of one hundred and eighty thousand dollars is hereby appropriated for the purposes of this act. The governor is authorized to draw his warrant for said

sum out of any money in the treasury not otherwise appropriated.

58 Effective Date. This act shall take effect upon its passage.

Rep. Cobleigh explained the amendment.

(discussion)

Rep. Drake spoke against the Cobleigh amendment.

Rep. Drake explained the Committee report and requested the insertion in the Journal of a list of new positions in State Government.

SUMMARY OF NEW POSITIONS

No. Sec.	Department	Number of Positions Total	1972	1973	1972	1973
5	Administration & Control	16		16	$	$49,418
8	Attorney General	5		5		50,611
10	Board of Education	4	1	3	2,200	37,110
12	Health & Welfare					
	Division of:					
	Mental Health Admin.	2		2		9,033
	Laconia State School	18		18		87,092
	N. H. Hospital	24		24		138,718
	Public Health	2		2		14,184
	Home for the Elderly	6		6		25,373
	Welfare	101		101		658,114
	Total for Health & Welfare	153		153		932,514
17	Personnel Department	1		1		4,620
20	Public Works & Highways	4	1	3	1,107	20,641
21	Eastern N. H. Turnpike	7		7		42,193
22	Real Estate Board	1	1		1,477	4,492
23	Resources & Economic Dev.	4	3	1	6,242	25,916
24	Department of Safety	27	19	8	31,745	167,228
31	Water Resources Board	8		8		57,706
28	Tax Commission	2		2		17,589
32	Water Pollution	1		1		5,648
	TOTAL	233	25	208	$42,771	$1,415,686

RECESS

AFTER RECESS

(Deputy Speaker in the Chair)

Rep. Raiche spoke in favor of the amendment.

Rep. Levy requested a quorum count.

Deputy Speaker suggested there was no need for it.

Rep. Levy spoke against the amendment.

Rep. MacDonald spoke in favor of the amendment.

(discussion)

Rep. Greene spoke against the amendment.

Rep. Sayer moved to recommit HB 43 to Appropriations and subsequently withdrew his motion.

Reps. Lawton, Shirley Clark, George Roberts, Robinson and Coutermarsh spoke in favor of the amendment.

Reps. Weeks, Scamman and Martineau spoke against the amendment.

A division was requested.

Rep. MacDonald requested a roll call.

Sufficiently seconded.

ROLL CALL

YEAS: 180 NAYS: 164

YEAS

MERRIMACK COUNTY:

Sherman, Bigelow, Parker, Harry C., Reddy, Hanson, Enright, Riley, Little, Bartlett, Avery, Perkins, Kopperl, Thompson, Doris L., Burleigh, Piper, Greeley, Mattice, Humphrey, James A., Cate, York, Edward H., Haller, Cheney, Charles H., McLane, Miner, Filides, MacDonald, Wilson, Ralph W., Fuller, Glavin, Woodward, Noble, Welch, Shirley B., Tarr.

ROCKINGHAM COUNTY:

Stimmell, Wilson, Helen F., Gay, Senter, Lovell, Smith, Philip A., Spollett, Benton, Greenwood, Vey, Collishaw, Eastman, Junkins, Page, Varrill, Randall, Cheney, George L., Fiske, Cunningham, Langley, Leavitt, Maynard, Chandler, Griffin, Ruth L., Connors, Palfrey, Croft.

Strafford County:

McIntire, Brown, Clark, Shirley M., Cochrane, Thompson, Barbara C., Dunlap, Balomenos, Blanchette, Leighton, Peabody, Raymond B., Fellows, Cogswell, Parnagian.

Sullivan County

Townsend, Rousseau, Spaulding, Roma, Burrows, Galbraith, Wiggins.

Belknap County:

Davis, Guy N., Lawton, Roberts, Charles B., Wilkinson, Wuelper, Roberts, George B., Huot, Prescott, Dulac, Maguire, Whittemore.

Carroll County:

Howard, Donalda K., Cox, Davis, Esther M., Hayes, Conley, Davis, Dorothy W., Claflin, Hughes.

Cheshire County:

Trowbridge, Yardley, Coughlin, Hackler, Mallat, Ames, Heald, Cleon E., Streeter, Shortlidge, Barker.

Coos County:

Cook, Hunt, Mayhew, Fortier, Richardson, Mabel L.

Grafton County:

Gardner, Van H., Stevenson, Malcolm J., Tilton, McGee, Brummer, Mann, Ezra B., Anderson, Nutt, Radway, Gemmill, Dow, Foster, Tremblay, Merrill, Altman, Sears.

Hillsborough County:

Eaton, Joseph M., Monier, Daloz, Mann, Arthur F., Murray, Karnis, Eaton, Clyde S., Heald, Philip C., Warren, Bragdon, Brocklebank, Cobleigh, Parker, Gerry, Drabinowicz, Cote, Margaret S., Boisvert, Wilfrid A., Coutermarsh, Gabriel, Alukonis, Peabody, Arthur H., Bridges, Abbott, Ainley, Daniels, Lang, Milne, Zachos, Dion, Duhaime, Armand L., Cullity, McDermott, Spirou, McDonough, Simard, Campono, Champagne, Chevrette, Derome, Raiche, St. Onge, Robinson, Belanger, Lynch, Doris T., Sweeney, Lamy, Allard, Lambert, Lesmerises, Burke, O'Connor, Timothy K., Vachon.

NAYS

Merrimack County:

Hardy, Gamache, Gordon, Daniell, Michels, Davis, Alice, Howland, Howard, C. Edwin.

ROCKINGHAM COUNTY:

Griffin, Margaret A., Boucher, Soule, Adams, MacGregor, Read, Belair, Gelt, Morrison, Sayer, White, Palmer, Schwaner, Goodrich, Scamman, Hamel, Greene, Hammond, Lockhart, Weeks, McEachern, Quirk, Chaisson, Jameson, Levy, Woods, O'Keefe.

STRAFFORD COUNTY:

Canney, Smith, Elmer C., Stevenson, Douglas M., Tirrell, Maloomian, Habel, Hebert, Boire, Dumais, Towle, Ineson, Carignan, Ruel, Beaudoin, Sylvain, Preston, Tripp, Bernard, Webber, Young, Kinney, Richardson, Harriett W. B.

SULLIVAN COUNTY

Chase, Donald R., Gaffney, Tucker, Keating, Nahil, Barrows, D'Amante, Downing, Saggiotes, Frizzel, Williamson.

BELKNAP COUNTY:

French, Nighswander, Mutzbauer, Hood, Drouin, Head, Randlett.

CARROLL COUNTY:

Lagroe, Webster, Chase, Russell C.

CHESHIRE COUNTY:

Ballam, Churchill, Forbes, Cournoyer, Forcier, McGinness, Bennett, Johnson, Elmer L., Dunham, Raymond, Vogel, Moran, Cummings, Richard E., Drew.

COOS COUNTY:

Huggins, Metcalf, Bushey, Drake, Lee, Burns, O'Hara, Oleson, Dubey, Desilets, Studd, York, Elmer H., Brungot, McCuin, Oswell, Bouchard, Gagnon, Theriault, Kidder.

GRAFTON COUNTY:

Chamberlin, LaMott, Dudley, Blain, Krainak, Buckman, Bell, Mitchell.

HILLSBOROUGH COUNTY:

Humphrey, Howard S., Withington, Knight, Sorenson, Colburn, Coburn, Ferguson, Spalding, Kenneth W., Hall, Record, Belcourt, Trombley, Desmarais, Gardner, Cleon J., Lachance, Chamard, O'Neil, Robert, Aubut, Davidson, Ouellette, Sirois, Bissonnette, Bednar, Keeney, Rodgers, Richardson, John W., Dwyer, Lyons, Harvell, Van Loan, Ackerson, Montplaisir, Cote, Joseph L., Manning, Walsh, Barrett, William F., Clancy, Healy,

Lynch, John T., Leclerc, Sysyn, Murphy, Dennis J., Levasseur, Martineau, Brunelle.

Cobleigh amendment to the Committee amendment adopted.

Rep. Andrews wishes to be recorded as voting against the Cobleigh amendment.

Rep. Sayer moved that HB 43 with proposed committee amendment as amended be recommitted to the Appropriations Committee and spoke in favor of the motion.

Reps. Levy and Bednar spoke in favor of the motion.

(discussion)

Reps. Cobleigh, Dunham, Healy, and Malcolm Stevenson spoke against the motion.

Reps. Belair, Michels and Gordon spoke in favor of the motion.

Rep. Shirley Clark moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Webster requested a division.

180 members having voted in the affirmative and 143 in the negative, the motion to recommit was adopted.

(Speaker in the Chair)

HB 76

relative to the standardization of reports of state agencies and distribution of state publications, Refer to Fiscal Committee with attendant amendment. Rep. Drake for Appropiations.

Rep. Benton moved that the words, ought to pass with amendment be substituted for the committee report, referred to Fiscal Committee with attendant amendment, and spoke in favor of the motion.

Reps. Drake and Gordon spoke against the motion.

Motion lost.

Resolution adopted.

HB 27

authorizing an agreement with Ohio state university veterinary school to enroll New Hampshire residents and making an appropriation therefor. Recommended with amendment but laid on the table because not funded. Rep. Drake for Appropriations.

Resolution adopted.

HB 28

making an additional appropriation for New Hampshire resident medical students at the university of Vermont. Recomended with amendment but laid on the table because not funded. Rep. Drake for Appropriations.

Resolution adopted.

HB 73

requiring positive action by the New Hampshire Port Authority to preempt the authority of towns or cities over ports, harbors or navigable tide rivers. Ought to pass. Rep. Maynard for the Portsmouth Delegation.

Ordered to third reading.

HB 77

relative to the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature. Ought to pass with amendment. Rep. Cleon Heald for State Institutions.

AMENDMENT

Amend RSA 607:41-d as inserted by section two of the bill by striking out the same and inserting in place thereof the following:

607:41-d Psycho-sexual Murder Defined. For the purposes of RSA 607:41-a, b, and c, the phrase "murder which is psycho-sexual in nature" means murder in which there is evidence that the offender has committed sexual assault or abuse or attempted sexual assault or abuse of the victim before or after death.

Rep. Cleon Heald explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 50

providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed. Recommended but laid on the table because not funded. Rep. Drake for Appropriations.

Rep. Drake moved that House Bill 50 providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed, be referred to a special committee consisting of five members of the House appointed by the Speaker and three members of the Senate appointed by the President with the direction that said committee consider said bill and report its recommendations to the House and Senate no later than the tenth legislative day and be it resolved that the rules be so far suspended so as to permit this action.

Rep. Drake explained the committee recommendation, and his motion.

Reps. Levy and Malcolm Stevenson spoke against the motion.

Reps. Raymond, George Roberts and James O'Neil spoke in favor of the motion.

(discussion)

(Rep. George Roberts in the Chair)

Rep. Cobleigh spoke in favor of the motion.

(Speaker in the Chair)

Rep. Levy requested a division.

It being manifestly in the affirmative, the motion was adopted.

The Speaker appointed Reps. Drake, LaMott, Raymond, Trowbridge and Drouin.

SENATE MESSAGE

CONCURRENCE

HB 50, providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed.

The President appointed: Sens. Stephen Smith, Porter and Spanos to the Special Committee.

COMMITTEE REPORTS CONTINUED

HB 12

relative to insurance on state owned pressure vessels. Inexpedient to legislate. Rep. Drake for Appropriations.

Rep. Merrill moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

On a vv the Speaker was in doubt and requested a second vote.

Motion adopted.

A division was requested.

It being manifestly in the affirmative, the motion was adopted.

Ordered to third reading.

HB 72

providing that each lobsterman fly his own distinctive colors or paint them on both port and starboard bow. Majority: Ought to pass. Rep. Maynard for Fish and Game. Minority: Inexpedient to legislate. (Rep. Randall)

Ordered to third reading.

HB 79

relative to the sale of liquor at state-owned ski areas. Refer to an interim study committee to report at 1973 session. Rep. Collishaw for Liquor Laws.

Rep. Williamson moved that the words, ought to pass, be substituted for the committee report and spoke in favor of the motion.

Reps. Claflin, Schwaner and Barker spoke in favor of the motion.

Rep. Collishaw explained the committee report.

(discussion)

Rep. Elmer York spoke against the motion.

Reps. Enright and Fortier spoke against the motion.

Rep. Dion moved the previous question on the entire subject matter.

Adopted.

A division was requested.

137 members having voted in the affirmative and 159 in the negative the motion failed.

Resolution adopted.

The Speaker called for the Special Order on

HB 17

establishing the rights of policemen. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

Rep. Huot offered the following amendment to be substituted for the committee amendment and moved to suspend with the reading of the amendment.

Adopted.

Rep. Huot explained the amendment.

AMENDMENT

Amend Section 1 of the bill as amended by striking out the same and inserting in its place the following:

1 New Chapter. Amend RSA by inserting after chapter 105-A the following new chapter:

Chapter 105-B
Police Organizations

105-B:1 Findings and Policy. The legislature declares that it is the policy of the state to foster harmonious and cooperative relations between police officers and their employers and to protect the public by promoting the orderly and uninterrupted operations and functions of law enforcement. Police officers have the right to:

I. Meet and confer with city councils, boards of aldermen, boards of selectmen, commissioners, or other boards elected or

appointed to manage the affairs of a local government or police commissions whether appointed by the governor and council or any city or town with respect to working conditions, salaries, wages, and other benefits;

II. Negotiate with and enter into written memoranda of agreement with public employers; and

III. Require the assistance of the state labor department or otherwise as provided hereafter to resolve disputes in certain instances between police officers and their employers.

105-B:2 Definitions. As used in this chapter:

I. "Local government" means a city, town, or commission which acts as an agency.

II. "Police Officer" means any person holding a police position by appointment of or employment by any local government.

III. "Supervisory employee" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

IV. "Boards" means city councils, boards of aldermen, boards of selectmen, commissioners and police commissions whether appointed by the governor and council or by any city or town.

V. "Employee organization" means an organization of any kind having as a primary purpose the improvement of terms and conditions of employment of police officers, which may be local or affiliated with a national organization, and which does not discriminate with regard to terms or conditions of membership because of race, color, creed, sex, or national origin, and does not otherwise violate the laws of this state.

VI. "Budget submission date" means the date by which, under law or practice, a government's proposed budget, or a budget containing proposed expenditures applicable to such government, is submitted to the legislative or other similar

body of the government, or to the city council in the case of a city, for final action, and in the case of a town, it shall mean the date of the annual meeting, unless the town is governed by the Municipal Budget Act, in which case such date shall be the last date on which the budget committee can take effective action prior to such meeting.

VII. "Membership dues deduction" means the practice of government to deduct from the salary of a police officer, with his consent, an amount for the payment of his membership dues to an employee organization. Such term shall mean also the obligation or practice of a government to transmit the sums so deducted to an employee organization.

VIII. "Commissioner" means the commissioner of labor of the state of New Hampshire.

IX. "Bargaining unit" or "negotiating unit" means the group of police officers who are in the employ of a common employer, who have a community of interest as a result of their employment, and who seek to be represented by an employee organization. The commissioner shall have the right to define who shall be included in each such unit and the limits thereof but such authority shall not be exercised in an arbitrary, unreasonable or discriminatory manner. In defining the unit, the commissioner shall take into consideration, along with other relevant factors, the principles of efficient administration of government, the existence of a community of interest among employees, the history and extent of employee organization, geographical location, and the recommendations of the parties involved.

X. "Meet and confer in good faith" means the process whereby the chief executive of a board, or such representatives as it may designate, and the representatives of recognized employee organizations have the mutual obligation personally to meet and confer in order to exchange freely information, opinions, and proposals, to endeavor to reach agreement on matters within the scope of discussions, to seek by every possible means to implement agreements reached.

XI. "Memorandum of agreement" means a written memorandum of understanding arrived at by the representatives of the board and a recognized employee organization which may

be presented to the governing body or its representative and to the membership of such organization for appropriate action.

XII. "Strike" means the failure by concerted action with others to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, and without the lawful approval of one's superior, or in any manner interfering with the operation of government or any board, for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment.

105-B:3 Right to organize.

I. Police officers shall have the right, subject to the provisions of this chapter, to join, organize, assist or participate in any employee organization of their choosing, to recognition for the purpose of negotiating and bargaining on a collective basis with government boards and to be represented by such employee organization in such negotiation or collective bargaining concerning working conditions, salaries, wages and other benefits.

II. No municipal officer, agent, or employee shall interfere with, restrain, coerce or attempt to interfere with, restrain, or coerce any police officer with respect to joining or not joining any employee organization, or participating in the formation of such an organization, or discriminate against such employee by reason of such activity. Any employee aggrieved by a violation of this section, shall be entitled to redress, including back pay when appropriate, by filing an action at law or in equity in the superior court for the county where such employee is employed.

105-B:4 Rights Accompanying Recognition. Where an employee organization has been certified as representing a majority of the employees in a bargaining unit, or recognized formally, pursuant to the provisions of this charter, the board or its designated agent (s) shall meet and confer in good faith with such employee organization or its designated agent (s) in the determination and administration of grievances arising under the terms and conditions of employment of the public employees as provided in this chapter, and may enter into a memorandum or agreement with the employee organization. The employee

organization and the board shall designate a person or persons to meet and confer in its behalf.

105-B:5 Recognition of Agent.

I. An employee organization shall be recognized by the board as the exclusive agent where it can be shown that a majority of the employees in the bargaining unit have selected such organization to represent them. However, the board may petition the commissioner to hold an election if the board feels that the employee organization does not in fact represent the majority of the employees in the unit or if more than one employee organization purports to represent the employees, or an employee organization may request the commissioner in writing to conduct an election whenever it can demonstrate to the commissioner that thirty percent of the police officers in the bargaining unit have signified in writing their desire to be represented by that employee organization.

II. Whenever the commissioner conducts an election, he shall notify the board and all employee organizations involved in the election, of the results, certifying the name of the employee organization, if any, which has been selected by a majority of the police officers as their agent.

III. The employee organization certified by the commissioner as a result of the election as representing a majority of the police officers in the bargaining unit, shall be recognized by the board as the exclusive agent of such police officers in the bargaining unit with respect to any matters covered by this chapter. Upon written petition to the commissioner to intervene in any election, this petition to be signed by ten percent of the police officers in the bargaining unit, indicating their desire to be represented by a different or competing employee organization, the name of the other organization shall be placed on the same ballot. No employee organization shall be certified or recognized unless the votes cast in favor of it represent a majority of the police officers qualified to vote in such election.

IV. After an employee organization has been recognized as the sole agent it shall remain the sole agent from year to year until it withdraws or until a new election is held resulting in its removal or displacement. Such subsequent election may be requested by the board or by thirty percent of the police officers in the bargaining unit.

V. Elections shall not be held more often than once in twelve months.

VI. In the event that an election is held in which more than one employee organization is included and no organization receives the majority vote of all who are qualified to vote although such majority did not vote for "no representative" the commissioner shall certify that no representative was chosen, but upon receiving a written request from either of the employee organizations within ten days after the election, the commissioner shall conduct a run-off election between the two organizations or one organization and "no representative". Only one such run-off election shall be held.

105-B:6 Conduct of Elections.

I. The commissioner shall prescribe by regulation the method of petitioning for an election, the manner, place and time of conducting such an election, and shall supervise all such elections to insure against interference, restraint, discrimination or coercion from any source. Complaints of interference, restraint, discrimination or coercion shall be heard and dealt with by the commissioner.

II. Any costs incident to such representation election shall be equally borne by the board and by the employee organization.

III. The ballot used in the election shall include a space to indicate a choice of "no representative" except in certain instances of run-off elections between employee organizations.

105-B:7 Meeting, Conferring and Memorandum of Agreement.

I. Any exclusive employee organization recognized by a board pursuant to the provisions hereof shall file a written request for meeting at least ninety days prior to the budget submission date.

II. The board, having recognized an employee organization, shall within ten days of receipt of such notice commence meeting and conferring with the representatives of such organization on matters of salaries, wages or other benefits.

III. In such case, it shall be the duty of both parties to meet and attempt to reach an agreement which shall be reduced to

writing and signed by duly authorized representatives of the parties; such agreement shall include a provision for membership dues deduction.

105-B:8 Unresolved Issues Submitted for Mediation or Fact Finding.

I. In the event that the representatives of the recognized employee organization and of the board are unable within forty days after and including the date of their first meeting, to reach an agreement on a contact, either of them may request mediation and conciliation upon any and all unresolved issues by the commissioner. If such mediation and conciliation is not requested or if it is not successful, and the parties still do not agree on all the issues, after the expiration of sixty days from the first meeting, either party may request fact finding.

II. Where either party requests fact finding the procedure shall be as follows:

(a) Within seven days after such request is made in writing by one party to the other, each party shall select and name one person to represent it, and shall immediately notify the other in writing of the name and address of the person so selected. The two chosen shall then designate a third person to serve on the fact finding board. If they are unable to agree upon such person within ten days, the third person shall be selected by and in accordance with the appropriate rules and procedures of the American Arbitration Association.

(b) The fact finding board shall call a hearing within ten days after appointment and shall give at least seven days notice in writing to the negotiating or bargaining agent and the board, of the time and place of the meeting. The hearing shall be informal and the rules of evidence shall not be binding. Any documentary evidence and other data deemed relevant by the fact finding board may be received in evidence. The fact finding board will also have the power to administer oaths, and require by subpoena the attendance and testimony of witnesses, production of books records and other evidence relative or pertinent to the issues presented to them for determination. Both the employee organization and the board shall have the right to counsel at the hearing. The hearing shall be concluded within ten days, and within ten days thereafter the fact finding board shall make written findings and a written opinion on the issues,

copies of which shall be mailed to the employee organization and to the board. Such report may also be made public by either party. The parties shall then resume negotiating and bargaining based on the report, but such report shall not be binding on either party.

(c) Fees and necessary expenses of such fact finding shall be borne equally by the employee organization and by the board.

III. Final ratification of any agreement reached with the employee organization shall be the sole responsibility of the board.

IV. Disputes arising between the parties as to the meaning or interpretation of a contract entered into between them then in effect, which cannot be resolved, may be submitted by either party to any mutually agreed upon individual or organization or the American Arbitration Association, to be decided according to its rules and procedures, the opinion of such arbitrators shall be final and binding.

105-B:9 Individual Access to Boards. Nothing herein contained shall prohibit any individual or association subject to reasonable rules and regulations which may be adopted by a board, from appearing before it to be heard on any matters of common interest.

105-B:10 Elections.

I. Whenever, pursuant to rules and regulations promulgated by the commissioner a petition has been filed by:

(a) Police officers or a group of such employees or by a labor organization acting in their behalf, alleging that thirty percent of the employees wish to be represented by an employee organization as exclusive agent or assert that the employee organization which has been recognized by the board is no longer the representative of the majority of employees in the bargaining unit;

(b) A public employer alleging that one or more employee organizations has submitted to it a petition to be recognized as agent of a majority of employees in a bargaining unit, the commissioner shall investigate such petition and at his discretion hold hearings for the purpose of determining whether or not there exists a question of representation. Upon finding such

question to exist, the commissioner shall order an election to be held under his supervision; otherwise, to dismiss such petition.

II. The Commissioner shall conduct an election by secret ballot pursuant to his own rules and regulations and make a determination as to voting eligibility.

III. In the absence of a simple majority of those eligible to vote and voting as to any choices in the initial balloting, a runoff shall be conducted for the purpose of selecting one of the two choices having received the most votes; an employee organization receiving a simple majority shall be certified by the commissioner as being the exclusive agent.

IV. Nothing in this chapter shall be construed as prohibiting in any way the recognition of an employee organization as the agent by mutual consent, except that the board shall not recognize such organization without an election being held pursuant to this section.

V. Failing the election of an employee organization by a simple majority of those voting, no other election can be held with respect to the same bargaining unit for the period of one year from the date of initial election, and, upon repeated failure, one year each thereafter.

105-B:11 Filing of Memoranda of Agreement and the Keeping of Records.

I. A copy of all memoranda of agreement applicable to police officers shall be filed promptly with the board.

II. Sixty days prior to the termination of an existing memorandum of agreement, when no agreement has been reached, an employee organization shall give notice of this event to the board.

105-B:12 Prohibited Practices; Evidence of Bad Faith in Meet and Confer Proceedings.

I. Commission of a prohibited practice, as defined in this section, among other actions, shall constitute evidence of bad faith in meet and confer proceedings.

II. It shall be a prohibited practice for a public employer or its designated representative wilfully to:

(a) Interfere, restrain or coerce police officers in the exercise of rights granted in section 3 of this chapter;

(b) Dominate, interfere or assist in the formation, existence, or administration of any employee organization;

(c) Encourage or discourage membership in any employee organization, by discriminating in tenure or other terms or conditions of employment;

(d) Discharge or discriminate against an employee because he has filed any affidavit, petition or complaint or given any information or testimony under this chapter, or because he has formed, joined or chosen to be represented by any employee organization;

(e) Refuse to meet and confer in good faith with representatives of a recognized employee organization.

(f) Deny the rights accompanying certification or formal recognition;

(g) Blacklist any employee organization or its members for the purpose of denying them employment;

(h) Avoid in good faith mediation, fact-finding and arbitration endeavors;

(i) Institute or attempt to institute a lockout.

III. It shall be a prohibited practice for police officers or employee organizations wilfully to:

(a) Interfere with, restrain or coerce police officers in the exercise of rights granted in this chapter;

(b) Interfere with, restrain, or coerce a board with respect to management rights granted in this chapter or with respect to selecting a representative for the purposes of meeting and conferring on the adjustment of grievances;

(c) Seek modification of the status of supervisory employees as set forth in this chapter except as part of good faith meet and confer proceedings;

(d) Refuse to meet and confer in good faith with a board as required by this chapter;

(e) Avoid good faith mediation, fact-finding, and arbitration endeavors;

(f) Engage in a strike.

IV. In applying this section, fundamental distinctions between private and public employment shall be recognized, and no body of Federal or state law applicable to private employment shall be considered binding or controlling precedent.

105-B:13 Violations of Prohibited Practices.

I. Any controversy concerning prohibited practices may be submitted to the commissioner. Proceedings against the party alleged to have committed a prohibited practice shall be commenced by service upon it by the commissioner of a written notice, together with a copy of the charges. The accused party shall have seven days within which to serve a written answer to such charges. The commissioner shall hold a hearing promptly thereafter, and at such hearing, the parties shall be permitted to be represented by counsel and to summon witnesses in their behalf. Compliance with the technical rules of evidence shall not be required. The Commissioner may use his rule-making power to make any other procedural rules he deems necessary to carry on this function.

II. The commissioner shall base his findings of fact upon all testimony and shall either dismiss the complaint or determine that a prohibited practice has been or is being committed. If the commissioner finds that the party accused has committed or is committing a prohibited practice, the commissioner shall petition the superior court to punish such violation, and shall file in the superior court the record in the proceedings. Any person aggrieved by a final order of the commissioner granting or denying in whole or in part the relief sought may obtain a review of such order in the superior court by filing in said court a complaint praying that the order of the commissioner be modified or set aside, with a copy of the complaint filed on the commissioner; and thereupon the aggrieved party shall file in the superior court the record in the proceedings, certified by the commissioner. Findings of the commissioner as to the facts shall be conclusive unless it is proved by clear and convincing evidence that the findings of fact were not supported by the evidence.

105-B:14 Applicability. The provisions of this chapter shall not apply to any local government which employs less than five full time police officers.

105-B:15 Nothing in this chapter shall be construed as prohibiting any local government as defined herein from entering into collective bargaining contracts with employee organizations. In such event the provisions hereof for elections, unit determination, mediation, fact-finding and arbitration shall apply.

Rep. Shirley Clark spoke in favor of the amendment.

(discussion)

Huot amendment adopted.

Rep. Huot offered a second amendment and moved to suspend with the reading of the amendment.

Adopted.

AMENDMENT

Amend RSA 105-B:11 I as inserted by section 1 of the bill as amended, by striking out the word "board" in line 2 thereof and inserting in its place the word "commissioner" so that the paragraph will read as follows: I. A copy of all memoranda of agreement applicable to police officers shall be filed promptly with the commissioner.

Amend RSA 105-B:11, II as inserted by section 1 of the bill as amended, by striking out the word "board" in line 3 thereof and inserting in its place the word "commissioner" so that the paragraph will read as follows: II. Sixty days prior to the termination of an existing memorandum of agreement, when no agreement has been reached, an employee organization shall give notice of this event to the commisisoner.

Rep. Huot explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 42

to suspend the implementing of certain governmental programs until such time as state and/or federal funding is available. Majority: Ought to pass with amendment. Rep. Moran for Executive Departments and Administration. Minority: Inexpedient to legislate. (Rep. Chandler)

The minority believes this is the head-in-the-sand approach and, especially in the field of education, would erode the progress being made in the area of minimum standards for elementary schools.

AMENDMENT

Amend the bill by striking out sections two and four and renumbering sections three, five and six to read 2, 3, and 4 respectively.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

On motion of Rep. Raiche, the Rules of the House were so far suspended as to place on third reading and final passage at the present time the following HB's.

THIRD READINGS AND PASSAGE BY HOUSE

HB 73, requiring positive action by the New Hampshire Port Authority to preempt the authority of towns or cities over ports, harbors or navigable tide rivers.

HB 77, relative to the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature.

HB 12, relative to insurance on state owned pressure vessels.

HB 72, providing that each lobsterman fly his own distinctive colors or paint them on both port and starboard bow.

HB 42, to suspend the implementing of certain governmental programs until such time as state and/or federal funding is available.

HB 17, establishing the rights of policemen.

The Speaker called for the Special Order on

HB 44

providing for the assessment of land at valuations based upon the current use thereof.

Question on the motion to indefinitely postpone.

(Deputy Speaker in the Chair)

Rep. Bednar spoke in favor of the motion.

(discussion)

Reps. Shortlidge and Greene spoke against the motion.

Rep. Joseph Cote spoke in favor of the motion.

Rep. Cobleigh moved that HB 44, providing for the assessment of land at valuations based upon the current use thereof, be made a special order for 10:01 Tuesday next, and spoke in favor of the motion.

Adopted.

CONCURRENT RESOLUTION

SUSPENSION OF JOINT RULE 12

Rep. Cobleigh moved that Joint Rule 12 be changed by striking out the words, "seventh legislative day," and substituting therefor, "eighth legislative day."

Adopted by the necessary 2/3.

Rep. Raiche moved that the remainder of today's calendar be made a special order for 10:02 Tuesday next.

Adopted.

SUSPENSION OF RULES

Reps. James O'Neil and Raiche moved that the Rules of the House be so far suspended as to allow committee reports to be introduced on the eighth legislative day without two days' notice in the Journal.

Adopted by the necessary 2/3.

SENATE MESSAGE

CONCURRENCE

Concurrent Resolution suspending Joint Rule 12.

On motion of Rep. Brungot the House adjourned at 7:15 p.m. to meet Tuesday next at 10:00 o'clock.

Tuesday, 29Feb72

The House met at 10:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

ALMIGHTY GOD, grant to our State and Nation, and to every state and nation, men and women of integrity and wisdom, of devotion to Thy justice and truth and brotherhood, that those who lead and those who follow may set forward Thy worldwide Kingdom of righteousness, peace, and abundant life.

With gratitude we acknowledge the safe return of our Nation's President, and members of his staff, who spent last week in the People's Republic of China. May their discussions and exchanges of views and opinions with the leaders of the People's Republic of China contribute to the desire of a just and lasting peace on earth in our time.

As we enter this week of legislative responsibility in this "House of Democracy," so guide each of us by Thy Wisdom and Truth that we may serve with honor in this arena of public service. May our decisions and endeavors prove the value of the "patriot's dream" of old which inspired our Nation's birth. Amen.

PLEDGE OF ALLEGIANCE

Rep. Hayes led the Pledge of Allegiance.

LEAVES OF ABSENCE

Rep. Foster, the day, illness.

Rep. Manning, indefinite, illness in the family.

Rep. Tarr, the week, important business.

SENATE MESSAGES

CONCURRENCE

HB 16, relative to tax exemption for reclaiming swamps.

HB 11, to increase the borrowing power of the town of Pembroke.

INTRODUCTION OF SENATE BILLS AND SJR

First and second reading & referral

SB 17, establishing an environmental protection department. Joint Environmental Quality and Agriculture and Resources, Recreation and Development.

SB 25, to provide penalties for violation of the disclosure of information laws relating to horse and greyhound racing, and to amend the provisions relating to disclosure of information. Ways and Means.

SB 24, amending solid waste disposal laws. Environmental Quality and Agriculture.

SB 23, requiring that a capias may be served by police officers. Judiciary.

SB 22, relating to legislative ethics. Judiciary.

SB 21, relative to the age of majority. Judiciary.

SB 20, to license private detectives and private detective agencies. Statutory Revision.

SB 19, relative to sale of liquor at golf clubs, indoor tennis clubs, racquet clubs and nonprofit clubs. Liquor Laws.

SB 18, establishing a committee to study the question of recall of public officials by the electorate. Judiciary.

SB 16, relative to the administration of the revenue laws. Executive Departments and Administration.

SB 11, relative to appointment of student ballot inspector. Statutory Revision.

SB 5, relating to the Lafayette Regional and Lisbon Regional School Districts. Education.

SB 3, establishing an interim legislative committee to investigate and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution. Ways and Means.

SJR 1, establishing an interim committee to study the role of the judiciary relative to the concept of the separation of powers. Constitutional Revision.

ENROLLED BILLS REPORT

HB 11, to increase the borrowing power of the town of Pembroke.

HB 16, relative to tax exemption for reclaiming swamps.

SB 9, relative to redistricting the congressional districts.

Roxie A. Forbes
For The Committee.

COMMITTEE REPORTS

HB 49
making appropriations for capital improvements and amending the 1969 capital budget. Ought to pass with amendment. Rep. Drake for Appropriations.

AMENDMENT

Amend the bill by striking out section 3 and inserting in place thereof the following new section:

3 Aeronautics Commission. Amend the footnote in Laws of 1969, 505:1, III by adding to the footnote the following new paragraph:

(Notwithstanding the provisions of RSA 9:18 as amended, this appropriation shall not lapse under the provisions thereof until June 30, 1974.)

Further amend the bill by striking out sections 4 and 5 and renumbering sections 6 and 7 to read 4 and 5.

Amendment adopted.

Ordered to third reading.

HB 66
providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor. Ought to pass. Rep. Drake for Appropriations.

Ordered to third reading.

HB 67

exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter. Ought to pass with amendment. Rep. Drake for Appropriations.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter and making an appropriation therefor.

Further amend the bill by striking out section 4 and inserting in place thereof the following:

4 There is hereby appropriated the following sum for fiscal year 1973 to be expended by the Water Supply and Pollution Control Commission for the following purpose:

Subsurface Waste Disposal		
Personal Services:		
Permanent	129,076	
Current Expenses	21,600	
Travel:		
In state	16,800	
Equipment	7,105	
		174,581*

*This appropriation shall be used only for the administration of RSA 149-E and shall not be transferred or expended for any other purpose.

5 Effective Date. This act shall take effect July 1, 1972.

(discussion)

Rep. Harvell spoke in favor of the bill.

Rep. Dion moved the previous question on the entire subject matter.

Sufficiently seconded.

Adopted.

Amendment adopted.

Ordered to third reading.

HB 33

imposing a two percent retail sales and use tax and authorizing any city or town to impose an additional one percent local identical tax for the use of the city or town. Inexpedient to legislate. Rep. Balomenos for Ways and Means.

Reps. Andrews and Joseph Cote spoke in favor of the committee report.

Resolution adopted.

Rep. George Roberts wishes to be recorded as voting in favor of the committee report.

HB 40

accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death. Ought to pass. Rep. Balomenos for Ways and Means.

Ordered to third reading.

Rep. Hamel wishes to be recorded as voting against the committee report.

HB 2

to clarify the business profits tax. Inexpedient to legislate. Rep. Balomenos for Ways and Means.

Resolution adopted.

HB 43

making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973 and making other budgetary changes. Ought to pass with amendment. Rep. Drake for Appropriations.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriations: The sums hereinafter detailed in this act are hereby appropriated to be paid out of the treasury of the state for the purposes specified for the branches and departments named for the fiscal years ending June 30, '72 and June 30, '73.

	FISCAL 1972			FISCAL 73		
2 Judicial branch						
I Supreme Court:						
Current Expenses	$	$ ---		$	$ 4,000	
Travel:						
Out of state		---			1,000	
Other Expenditures:						
N. H. Supreme Court Reports		---			4,850	
Total			$ ---			$ 9,850
II Administrative Committees			500			1,000
Total for Judicial branch			$ 500			$ 10,850
3 Executive office:						
I Office of state planning:						
(a) Division of State Planning:						
Current Expenses		$ 1,000			$ 1,000	
Travel:						
Out of state		200			400	
Other Expenditures:						
New England River Basin Commission		3,000			5,000	
Total for office of state planning			$ 4,200			$ 6,400
Total for executive office			$ 4,200			$ 6,400
4 Adjutant general's department:						
I Armories:						
Current Expenses		$ 3,000			$ 3,000	
Total			$ 3,000			$ 3,000
II State Military Reservation- Concord:						
Travel:						
In State		$ 200			$ 200	
Total			$ 200			$ 200
III State Military Reservation-						
Pease Air Force Base, Portsmouth:						
Current Expense		$ 800			$ 800	
Total			$ 800			$ 800
Net appropriation for adjutant general's department			$ 4,000			$ 4,000

5 Administration and Control:				
I Division of Budget and Control:				
Other Expenditures:				
New England Board of Higher Education:				
Expenses	$ 27,283		$ 28,094	
Expenses for Board	300		300	
Indigent Defendants	35,000		40,000	
Total		$ 62,583		$ 68,394
II Division of accounts:				
Other Personal Services:				
Other	$ 7,500		$ 16,000	
Other Expenditures:				
Accelerate the processing time of the existing payroll system through computer usage while providing the same output and/or reports required to interface with the present Division of Accounts' systems.	$ 11,000ca		$ 22,100ca	
Develop and implement a Payroll/Personnel System to encompass state payrolls	---		94.500ca	
Develop a fully integrated fiscal accounting system to encompass state accounting functions.	21,000ca		103,400ca	
Total		$ 39,500		$ 236,000
III Division of buildings and grounds:				
(a) Health and Welfare Laboratory Building:				
Personal Services:				
Permanent	$ ---		$ 29,413	
Other	---		488	
Current Expenses	---		50,588	
Equipment	---		2,010	
Total		$ ---		$ 82,499
IV Division of investigation of accounts:				
Personal Services				
Permanent	$ ---		$ 11,560	
Current Expenses	---		140	
Travel				
In state	---		1,000	
Equipment	---		3,500	
Total		$ ---		$ 16,200

	FISCAL 1972		FISCAL 1973	
V Division of purchase and property:				
(a) General:				
Personal services:				
Permanent	$ ---		$ 8,445	
Current expenses	---		2,905	
Equipment	---		650	
Total	$ ---		$ 12,000	
Less estimated revenue	---		12,000	
Net appropriation		$ ---		$ -0-
Total for administration and control		$102,083		$403,093

ca This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of the department of centralized automated data processing, and in the event that said department does the work for which these funds are appropriated, the required funds upon billing by the department are to be paid to it and included as part of its estimated revenue.

6 Aeronautics commission:				
I Administration:				
Current expenses	$ 728		$ 728	
Other expenditures:				
CAB hearings	3,000h		---	
Total		$ 3,728		$ 728
II Grants:				
Airport maintenance assistance	$ ---		$ 50,000*	
Less estimated revenue	---		50,000	
Net appropriation		$ -0-		$ -0-
III Airways toll fund:				
Other expenditures:				
Establishment and maintenance of air navigation facilities on state airways system		$ 1,000		$ 1,000
Total for aeronautics commission		$ 4,728		$ 1,728

h. This appropriation shall be a continuing appropriation and shall not lapse.

* This appropriation to be expended only to the amount of revenue consisting of enplaning fees that become available.

7	Agriculture:			
	I Bureau of weights and measures:			
	Equipment		$ 19,045	$ -0-
	Total for department of agriculture		$ 19,045	$ -0-
8	Attorney general's department.			
	I Administrative and general services:			
	Salary of one assistant attorney general	$ ---	$ 17,129	
	Other personal services:			
	Permanent	---	10,902	
	Current expenses	---	400	
	Travel:			
	In state	---	300	
	Out of state	500	500	
	Equipment	---	1,000	
	Other expenditures:			
	Special counsel - CAB hearing	20,000f	---	
	Total	$ 20,500		$ 30,231
	II Division of criminal justice:			
	Salary of one assistant attorney general	$ ---	$ 17,129	
	Personal services:			
	Permanent	---	5,451	
	Current expenses	---	700	
	Travel:			
	In state	---	500	
	Out of state	---	300	
	Equipment	---	1,500	
	Total	$ ---		$ 25,580
	III Division of consumer protection:			
	Equipment	$ ---		$ 3,000
	IV Division of charitable trusts:			
	Current expenses	$ 880		$ ---
	Total for attorney general's department	$ 21,380		$ 58,811

f. This appropriation shall not lapse until June 30, 1973.

	FISCAL 1972			FISCAL 1973		
9 Boards:						
I Registration of architects:						
Current Expenses			$ 1,000			$ 1,000
Total for boards			$ 1,000			$ 1,000
10 Board of education:						
I Vocational rehabilitation:						
(a) Blind Rehabilitation:						
Current Expenses	$ ---			$ 3,150		
Other Expenditures:						
Case Services	---			57,994		
Total	$ ---			$ 61,144		
Less estimated federal funds	---			48,916		
Net appropriation		$ ---			$ 12,228	
(b) Blind services:						
Current Expenses	$ ---			$ 1,575		
Other Expenditures:						
Education of Blind	---			24,445		
Total		$ ---			$ 26,020	
(c) Vocational rehabilitation:						
Personal Services:						
Permanent	$ ---			$ 26,793		
Current Expenses	---			16,185		
Equipment	---			2,887		
Travel:						
In state	---			1,250		
Out of state	---			520		
Other Expenditures:						
OASI, retirement, and insurance	---			2,679		
Case Services	---			567,009y		
Total	$ ---			$ 617,323		
Less estimated federal funds	---			493,858		
Net appropriation		$ ---			$ 123,465	
Total for Vocational rehabilitation			$ ---			$ 161,713

II Education of handicapped children:				
Current Expenses	$ ---		$ 4,568	
Other Expenditures:				
Grants to approved program for handicapped children	---		223,645	
Total		$ ---		$ 228,213
III Vocational education acts:				
Other Expenditures:				
Area vocational schools	$ 116,761		$ 131,761	
Total		$ 116,761		$ 131,761
IV Aid to districts:				
(a) School building construction	$ ---		$1,704,757bp	
Total		$ ---		$1,704,757
V School nutrition:				
(a) School lunch	$ 89,026		$ 107,795	
Total	$ 89,026		$ 107,795	
Less estimated federal funds	79,486c		96,245c	
Net appropriation		$ 9,540		$ 11,550
VI New Hampshire technical institute- Concord:				
(a) Dental assistant program				
Other Personal Services:				
Permanent	$ 2,200		$ 10,317	
Total	2,200		10,317	
Less estimated federal funds	- 0 -		4,000	
Net appropriation		$ 2,200		$ 6,317
Net appropriation for board of education		$ 128,501		$2,244,311

c. Revenues in excess of the estimate may be expended with prior approval of the governor and council.

y. Funds appropriated in accordance with the provisions of the Federal Civilian Vocational Rehabilitation Act shall not lapse, but shall be carried over to the following year for the purpose of earning additional federal matching funds. Notwithstanding the provisions of RSA 9:17-a and RSA 99:4 with the approval of the Governor and Executive Council, funds may be transferred within line items in order to fully utilize federal funds for vocational rehabilitation of disabled persons.

bp. These funds shall not be expended for any other purpose, and no transfers shall be made therefrom. Funds shall be distributed under provisions of RSA 198:15a to e inclusive.

	FISCAL 1972	FISCAL 1973
11 Higher education fund:		
University of New Hampshire, Keene and Plymouth State College	$ ---	$ 811,185
Total for higher education fund	$ ---	$ 811,185bs

bs. For the fiscal years ending June 30, 1972 and 1973, the millage formular provided by RSA 187:24 is hereby suspended, and the sums hereby appropriated shall be the total appropriation for the University of New Hampshire, Plymouth state college, and Keene state college and shall be in lieu of requirements for appropriation under said RSA 187:24.

Out-of-state tuition shall be set annually by the Board of Trustees at a figure which reflects actual cost of per capita operating costs including instructional expenses, overhead, and bond retirement (excluding selfliquidating bonds) as determined by the costs in the fiscal year just preceding the first of January for the fiscal year in which the tuition is to be charged.

12 Department of health and welfare:				
I Office of commissioner of health and welfare:				
Current expenses	$ 10,891		$ 22,079	
Total for office of commissioner		$ 10,891		$ 22,079
II Division of mental health:				
(a) Administration:				
(1) Office of director:				
Other personal services:				
Permanent	$ ---		$ 4,429	
Current expenses	---		571	
Total		$ 0		$ 5,000
(2) Office of community mental health services:				
Personal services:				
Permanent	$ ---		$ 4,604	
Total		$ 0		$ 4,604
(3) Other expenditures:				
Grants to community mental health services	$ ---		$ 175,000aa	
Total		$ 0		$ 175,000
(4) Bureau of family care:				
Other expenditures:				
Clothing, incidentals and medical expenses	$ 1,000		$ 3,000	
Total		$ 1,000		$ 3,000

	FISCAL 1972		FISCAL 1973	
(5) Office of mental retardation:				
Current expenses	$ ---		$ 500	
Travel:				
In state	---		1,000	
Other expenditures:				
Grants to community development centers for mentally retarded	---		12,500	
Total for office of mental retardation		$ ---		$ 14,000
Total for administration		$ 1,000		$ 201,604
(b) Laconia state school:				
(1) Custodial care:				
Personal services:				
Permanent	$ ---		$ 8,574	
Total		$ 0		$ 8,574
(2) Maintenance of plant:				
Current expenses	$ ---		$ 6,000	
Total		$ 0		$ 6,000
(3) Professional care and treatment:				
Personal services:				
Permanent	$ ---		$ 53,497	
Total		$ 0		$ 53,497
(4) Training and education:				
Personal services:				
Permanent	$ ---		$ 25,021	
Total		$ 0		$ 25,021
Total for Laconia state school		$ 0		$ 93,092

(c) New Hampshire hospital:				
(1) Administration:				
Other personal services:				
Permanent	$ ---		$ 4,836	
Total		$ 0		$ 4,836
(2) Custodial care:				
Personal services:				
Permanent	$ ---		$ 12,338	
Total		$ 0		$ 12,338
(3) Professional care and treatment:				
Personal services:				
Permanent	$ ---		$ 121,543	
Other	---		15,000	
Other expenditures:				
Research	---		5,512	
Total		$ 0		$ 142,055
Total for New Hampshire hospital		$ 0		$ 159,229
Total for division of mental health		$ 1,000		$ 453,925
III Division of Public Health:				
(a) Medical care administration:				
Personal services:				
Other	$ ---		$ 5,000	
Total		$ 0		$ 5,000
(b) Vital Statistics:				
Personal services:				
Other	$ ---		$ 9,755	
Total		$ 0		$ 9,755

	FISCAL 1972		FISCAL 1973	
(c) Communicable disease control:				
Personal services:				
Permanent	$ ---		$ 4,429	
Total		$ 0		$ 4,429
(d) Dental public health:				
Personal services:				
Other	$ 3,000		$ 10,000	
Equipment	---		2,984	
Total		$ 3,000		$ 12,984
(e) Maternal child health and crippled children's services:				
Other expenditures:				
Cystic fibrosis	$ ---		$ 9,616	
Total		$ 0		$ 9,616
(f) Program on alcoholism and drug abuse:				
Personal services:				
Other	$ 6,800		$ 6,800	
Total		$ 6,800		$ 6,800
Net appropriation for division of public health services		$ 9,800		$ 48,584
IV N.H. Home for the elderly:				
(a) Custodial care:				
Personal services:				
Permanent	$ ---		$ 8,225	
Other	---		2,490	
Equipment	---		9,320	
Total		$ 0		$ 20,035

(b) Maintenance of plant:					
Other expenditures:					
Repair of floor under refrigerator	$ 6,000		$ ---		
Total		$ 6,000		$ 0	
(c) Operation of plant:					
Personal services:					
Other	$ ---		$ 200		
Equipment	---		300		
Total		$ 0		$ 500	
(d) Professional care:					
Personal services:					
Permanent	$ ---		$ 17,148		
Total		$ 0		$ 17,148	
Total for N.H. Home for the elderly			$ 6,000		$ 37,683
V Division of Welfare:					
(a) State office					
(1) Office of director					
Other personal services:					
Permanent	$ ---		$ 6,890		
Current expenses	---		9,093		
Travel:					
In state	---		248		
Out of state	---		87		
Other expenditures:					
Social security	---		37,167		
Blue cross & insurance	---		4,747		
Employees' retirement	---		25,028		
Total		$ 0		$ 83,260	

(2) Assistance Payments	FISCAL 1972		FISCAL 1973	
(A) Administration				
Personal services:				
Permanent	$ ---		$ 28,690	
Travel:				
In state	---		1,790	
Out of state	---		261	
Equipment	---		1,516	
Total		$ 0		$ 32,257
(B) Grants				
Old age assistance	$ ---		$1,605,530	
Less local share	---		401,382	
Less federal share	---		953,043	
Net appropriation	0		251,105	
Old age assistance aliens	---		140,705	
Less local share	---		57,183af	
Less federal share	---		83,522	
Net appropriation			0	
Aid to needy blind	---		82,559	
Less federal share	---		49,007	
Net appropriation	0		33,552	
Aid to permanently & totally disabled	---		174,072	
Less local share	---		60,925ag	
Less federal share	---		103,329	
Net appropriation	0		9,818	
Total Grants		$ 0		$ 294,475
Total Assistance Payments		$ 0		$ 326,732

(3) Business Management				
Personal services:				
Permanent	$ ---		$ 26,169	
Travel:				
In state	---		1,267	
Out of state	---		261	
Equipment	---		250	
Total		$ 0		$ 27,947
(4) Social & Rehabilitation Services Administration				
Personal services				
Permanent	$ ---		$ 64,875	
Travel:				
In state	---		1,488	
Out of state	---		522	
Equipment	---		500	
Total		$ 0		$ 67,385
Total for State Office		$ 0		$ 505,324
(b) Field Services:				
(1) District director				
Current expenses	$ ---		$ 27,880	
Total		$ 0		$ 27,880
(2) Assistance payments				
Personal services:				
Permanent	$ ---		$ 334,274	
Travel:				
In state	---		3,312	
Out of state	---		128	
Equipment	---		27,632	
Total		$ 0		$ 365,346

	FISCAL 1972			FISCAL 1973		
(3) Intake & Referral:						
Personal services:				$ 54,075		
Permanent	$ ---			1,000		
Equipment	---					
Total		$ 0			$ 55,075	
(4) Social & Rehabilitation Services						
Personal services:				$ 143,141		
Permanent	$ ---					
Travel:				6,624		
In state	---			256		
Out of state	---			1,500		
Equipment	---					
Total		$ 0			$ 151,521	
		$ 0			$ 599,822	
Total Field Services		$ 0			$1,105,146	
Total for Division of Welfare		0			468,055	
Less transfer re administration from federal grants			$ 0			$ 637,091
Net appropriation for division of welfare			$ 27,691			$1,199,362
Total for Department of Health and Welfare						

aa These funds shall not be expended for any other purpose, shall be non-lapsing in the first year of the biennium, and if sufficient funds are not available for both years of the biennium for full implementation, these funds shall be prorated.

af For the fiscal years ending June 30, 1972 and June 30, 1973 the share which a county or town must reimburse the state for old age assistance to aliens for which such county or town is liable shall be one hundred percent of the non-federal share thereof. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1973.

ag For the fiscal years ending June 30, 1972 & 73, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1973.

13 Industrial development authority:				
Personal services:				
Other	$ 500		$ 500	
Current expenses	1,200		1,200	
Travel:				
In state	800		800	
Out of state	100		100	
Total for industrial development authority		$ 2,600		$ 2,600
14 Industrial school:				
I Custodial care:				
Personal services:				
Other		$ 8,000		$ 25,000
II Operation of plant:				
Current expenses		3,000		3,000
Total for industrial school		$ 11,000		$ 28,000
15 Department of labor:				
I Office of commissioner:				
Other personal services:				
Other	$ 250		$ 100	
Current expenses	1,200		2,950	
Travel:				
Out of state	250		---	
Total		$ 1,700		$ 3,050
II Inspection division:				
Current expenses	$ 1,000		$ 300	
Equipment	160		---	
Travel:				
In state	105		---	
Total		$ 1,265		$ 300

	FISCAL 1972		FISCAL 1973	
III Workmen's compensation division:				
Current expenses	$ 600		$ 300	
Equipment	480		80	
Travel:				
In state	---		30	
Total		$ 1,080		$ 410
IV New Hampshire apprenticeship council:				
Current expenses	$ 200		$ 400	
Equipment	205		---	
Travel:				
In state	200		500	
Total		$ 605		$ 900
Total for department of labor		$ 4,650by		$ 4,660bz

by. Other provisions of law notwithstanding, the balance in the boiler inspection fund and the elevator inspection fund at June 30, 1971 shall lapse to the unappropriated surplus of the general fund and all revenue received by the department of labor shall be deposited with the state treasurer as unrestricted general fund revenue.

bz. Other provisions of law notwithstanding, all revenue received by the department of labor shall be deposited with the state treasurer as unrestricted general fund revenue.

16 Liquor commission:				
I Stores operation:				
Personal services:				
Other	$ 134,230		$ 134,230	
Other expenditures:				
OASI and retirement	7,280		7,280	
Total for liquor commission		$ 141,510cb		$ 141,510cb

cb. Working hours of individual store employees shall be so assigned as to most effectively, efficiently and economically provide for adequate customer service requirements in each store within the limits of funds appropriated herein.

17	Personnel department:			
	Other personal services:			
	Permanent	$ ---		$ 4,620	
	Current expenses	500		600	
	Total for personnel department		$ 500		$ 5,220
18	Board of probation:			
	I Administration:			
	Current expenses		$ 4,650		$ 9,300
	Total for board of probation		$ 4,650		$ 9,300
19	Public utilities commission:			
	I National gas pipeline safety:			
	Personal services:			
	Other	$ ---		$ -200	
	Current expenses	250		600	
	Other expenditures:			
	Special consultants	-250		-2,000	
	OASI and retirement	---		1,600	
	Total for public utilities commission		$ - 0 -		$ - 0 -
20	Public works and highways:			
	I Administration:			
	Personal services:			
	Permanent		$ ---		$ 16,212
	II Engineering:			
	Personal services:			
	Permanent		$ 1,107		$ 4,429
	III Land and buildings		$ ---		$ 50,000

	FISCAL 1972	FISCAL 1973
IV State funds:		
State aid reconstruction	$ 250,000	$ ---
V Construction and reconstruction:		
Matching funds (federal aid):		
Secondary	$ 420,000a	$ ---
VI Debt service	$ ---	$ 920,000a
VII Legislative specials:		
Safety department - for commissioner, division of motor vehicles, state police and safety services	$ 333,273	$ 427,386
Total for public works and highways	$1,004,380	$1,418,027
Less estimated revenue and balance:		
Available from estimated lapses and balance	1,004,380	1,418,027
Net appropriation for public works and highways	$ - 0 -	$ - 0 -

a The funds in this appropriation shall not be transferred or expended for any other purpose.

21 Eastern New Hampshire turnpike.		
I Blue Star memorial highway:		
Maintenance:		
Personal services:		
Permanent	$ ---	$ 42,193
Current expenses	---	77,005
Equipment	---	46,415
Travel:		
In state	---	1,000
Total for eastern new hampshire turnpike	$ ---	$ 166,613
Less estimated revenue	---	166,613
Net appropriation for eastern new hampshire turnpike	$ - 0 -	$ - 0 -

22 Real Estate Board:						
Personal Services:						
Permanent	$ 1,477			$ 4,492		
Current Expenses	250			500		
Travel:						
In state	200			200		
Equipment	775			---		
Total		$ 2,702			$ 5,192	
23 Resources and economic development:						
I Office of commissioner:						
(a) Administration, warehouse and graphic arts;						
Other personal services:						
Permanent	$ 4,630			$ 20,995		
Current Expenses	150			150		
Equipment	4,500			---		
Total for office of commissioner		$ 9,280			$ 21,145	
II Economic Development:						
Printing and binding, advertising, out of state offices	$ ---			$ 15,000ci		
Total for economic development		$ ---			$ 15,000	
III Parks:						
(a) Service parks:						
Personal services:						
Permanent	$ 1,612			$ 4,921		
Other	---			15,000		
Equipment	1,250			---		
Total		$ 2,862			$ 19,921	
IV Resources development:						
Other personal services:						
Permanent	$ 2,700			$ 4,000		
Current expense	2,300			3,000		
Total		$ 5,000			$ 7,000	
Total for Resources and economic development		$ 17,142			$ 63,066	

ci. Legislative intent is that the advertising funds may be used for state cooperative promotion with governor and council approval.

	FISCAL 1972			FISCAL 1973		
24 Department of Safety:						
I Office of commissioner:						
(a) Administration:						
Personal services:						
Permanent	$ 6,100			$ 19,153		
Other expenditures:						
OASI, retirement, blue cross and insurance	610			2,000		
Total	6,710			21,153		
Less transfer from highway fund	6,375			20,095		
Net appropriation		$ 335			$ 1,058	
(b) Data processing section:						
Personal services:						
Permanent	$ 2,858			$ 8,874		
Current expenses	1,000			3,500		
Other expenditures:						
Data processing section, other expenditures conversion and automation of motor vehicle registration:						
System development	$ 16,000ca			$ ---		
System development, programming and operating	---			104,000ca		
OASI, retirement, blue cross and insurance	285			900		
Total	$ 20,143			$ 117,274		
Less:						
Estimated federal funds	---			20,000		
Transfer from highway fund	20,143			97,274		
Net appropriation		$ - 0 -			$ - 0 -	
Total for office of commissioner			$ 335			$ 1,058

II Division of Motor Vehicles:				
(a) Administration:				
Personal Services:				
Permanent	$ 15,167		$ 47,523	
Other	12,000		12,000	
Current expenses	72,000*		72,000*	
Equipment	2,500		---	
Other expenditures:				
OASI, retirement, blue cross and insurance	1,517		4,800	
Total		$ 103,184		$ 136,323
(b) Road toll section:				
Personal services:				
Permanent	$ 7,620		$ 24,216	
Current expenses	1,200		1,200	
Equipment	8,100		---	
Travel:				
In state	1,200		4,500	
Other expenditures:				
OASI, retirement, blue cross and insurance	762		2,500	
Total		$ 18,882		$ 32,416
(c) Photographic License:				
Personal services:				
Other	$ 13,456		$ ---	
Current expenses	27,154		---	
Equipment	1,100		---	
Travel:				
In state	2,250		---	
Other expenditures:				
OASI, retirement, blue cross and insurance	1,729		---	
Total		$ 45,689		$ - 0 -
Total for division of motor vehicles		$ 167,755		$ 168,739
Less transfer from highway funds		167,755		168,739
Net appropriation for division of motor vehicles		$ - 0 -		$ - 0 -

	FISCAL 1972		FISCAL 1973	
III Division of state police:				
(a) Criminal intelligence bureau:				
Personal services:				
Permanent	$ ---		$ 32,142	
Current expenses	---		2,000	
Travel:				
In state	2,000		6,000	
Equipment	---		13,500	
Other expenditures:				
OASI, retirement, blue cross and insurance	---		3,536	
Procuring evidence	5,000a		5,000a	
Total		$ 7,000		$ 62,178
(b) Detective bureau:				
Current expenses	$ 1,000		$ ---	
Travel:				
In state	1,000		---	
Equipment	6,000**		---	
Total		$ 8,000		$ - 0 -
(c) Communications section:				
Equipment	$- 30,000		$ 30,000	
Less estimated revenue	- 22,500		22,500	
Less transfer from highway fund	- 7,500		7,500	
Net appropriation		$ - 0 -		$ - 0 -
(d) Traffic bureau:				
Personal services:				
Permanent	$ ---		$ 35,320	
Current expenses	10,000		20,000	
Travel:				
In state	104,500		15,000	
Equipment	---		27,000	
Other expenditures:				
OASI, retirement, blue cross and insurance	---		3,885	
Ammunition	---		500	
In service training	1,500		2,500	
Total	$ 116,000		$ 104,205	

Less transfer from highway fund	$ 116,000			$ 104,205		
Net appropriation for traffic bureau		$ - 0 -			$ - 0 -	
Net appropriation for division of state police			$ 15,000			$ 62,178
IV Certificate of title:						
Current expense		$ 10,000			$ 10,000	
Less transfer from highway funds		10,000			10,000	
Net appropriation for certificate of title			$ - 0 -			$ - 0 -
V Division of safety services:						
Personal services:						
Other	$ 5,000			$ 10,000		
Current expenses	10,000			10,000		
Travel:						
In state	5,000			10,000		
Equipment	---			11,650		
Total		$ 20,000			$ 41,650	
Less transfer from highway fund		13,000			27,073	
Net appropriation for division of safety services			$ 7,000			$ 14,577
Total for Department of safety			$ 22,335			$ 77,813

* $17,000 of this appropriation shall be for rent of sub station space at New Hampshire armories and shall not be expended or transferred for any other purpose.

** This appropriation shall be matched with applicable federal funds to purchase a fluorescence spectrophotometer.

a. The funds in this appropriation shall not be transferred or expended for any other purpose.

ca. This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of the department of centralized automated data processing, and in the event that said department does the work for which these funds are appropriated, the required funds upon billing by the department are to be paid to it and included as part of its estimated revenue.

		FISCAL 1972		FISCAL 1973	
25	Soldiers' Home:				
	I Custodial Care:				
	Personal services:				
	Other	$ ---		$ 2,908	
	Total		$ - 0 -		$ 2,908
	II Professional Care and Treatment:				
	Personal services:				
	Other	$ ---		$ 10,357	
	Total		$ ---		$ 10,357
	Total for Soldiers' Home		$ - 0 -		$ 13,265
26	State Library:				
	I Centralized catalog card service				
	Current expenses	$ 2,000		$ 2,500	
	Total	2,000		2,500	
	Less estimated revenue	2,000c		2,500c	
	Net appropriation		$ - 0 -		$ - 0 -
	Total for state library		$ - 0 -		$ - 0 -
	c. Revenues in excess of the estimate may be expended with prior approval of the governor and council.				
27	State Prison:				
	I Administration				
	Current expenses	$ 1,500		$ 2,000	
	Travel:				
	In state	700		700	
	Total		$ 2,200		$ 2,700
	II Agriculture:				
	Other expenditures:				
	Other	$ 7,500*		$ ---	
	Total		$ 7,500		$ - 0 -

III Auxiliary to prison and custody:				
Current expenses	$ 500		$ 1,000	
Other expenditures:				
Awards - Gate Money	2,000		3,000	
Total		$ 2,500		$ 4,000
IV Custodial care:				
Personal services:				
Other	$ 14,000		$ 34,323	
Current expenses	10,500		12,000	
Total		$ 24,500		$ 46,323
V Maintenance of plant:				
Current expenses	$ 4,000		$ 4,000	
Total		$ 4,000		$ 4,000
VI Parole:				
Current expenses	$ 300		$ 300	
Equipment	---		2,900	
Travel:				
In state	500		900	
Out of state	300		300	
Total		$ 1,100		$ 4,400
Total for state prison		$ 41,800		$ 61,423

* This appropriation shall be for the transfer of the surplus silo from the Laconia State School to the State Prison farm. No part of this appropriation shall be transferred or expended for any other purpose.

28 Tax commission:				
I Office of commission:				
Personal services:				
Other	$ 33,937		$ 39,517	
Current expenses	3,000		3,000	
Equipment	14,500		---	
Travel:				
In state	3,000		---	
Out of state	400		400	
Total		$ 54,837		$ 42,917

	FISCAL 1972		FISCAL 1973	
II Property appraisals division.				
Personal services:				
Permanent	$ ---		$ 12,550	
Total		$ ---		$ 12,550
III Municipal accounting				
Personal services:				
Other	$ 1,700		$ 1,700	
Current expenses	1,500		800	
Travel:				
In state	5,000		5,000	
Out of state	200		200	
Total		$ 8,400		$ 7,700
IV Miscellaneous tax division:				
Equipment	$ 2,900		$ 12,400	
Travel:				
Out of state	400		---	
Total		$ 3,300		$ 12,400
V Business profits and commuters' income tax:				
Personal services:				
Permanent	$ ---		$ 5,039	
Other expenditures:				
Centralized data processing	---		20,000ca	
Total		$ ---		$ 25,039
Total for tax commission		$ 66,537d1		$ 100,606d1

ca. This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of the department of centralized automated data processing, and in the event that said department does the work for which these funds are appropriated, the required funds upon billing by the department are to be paid to it and included as part of its estimated revenue.

d1. Cost records shall be maintained of all actual costs applicable to services performed for local communities by the Tax Commission relative to audits and appraisals. Said actual costs shall be billed to local communities on a monthly basis prior to the tenth day of the succeeding month.

29 State treasury:				
I Administration:				
Current expenses	$ 1,160		$ 160	
Travel:				
Out of state	---		650	
Equipment	4,200		---	
Other expenditures:				
Accounts Payables, financial and revenue accounting and reporting systems and programming	---		20,000	
Computer usage	---		15,000ca	
Rent for Check Printer	2,400		9,600	
Total		$ 7,760		$ 45,410
II Retirement division:				
Current expenses	$ 600		$ 600	
Other expenditures:				
Consulting services	---		1,000a	
Consulting actuary	7,000a		26,000a	
New Hampshire retirement system development	---		26,220	
Programming	---		17,060	
Computer usage	---		79,360ca	
Total		$ 7,600		$ 150,240
Total for state treasury		$ 15,360		$ 195,650

ca. This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of the department of centralized automated data processing, and in the event that said department does the work for which these funds are appropriated, the required funds upon billing by the department are to be paid to it and included as part of its estimated revenue.

a. The funds in this appropriation shall not be transferred or expended for any other purpose.

	FISCAL 1972		FISCAL 1973	
30 Veterans council:				
Travel:				
In state	$ 500		$ 500	
Equipment	2,700		---	
Total for veterans council		$ 3,200		$ 500
31 Water resources board:				
I Administration:				
Equipment	$ ---		$ 3,600	
Other expenditures:				
Stream flow gauging	---		3,700cv	
Total		$ 0		$ 7,300
II Dams inspection:				
Personal services:				
Permanent	$ ---		$ 13,049	
Current expenses	---		1,935	
Travel:				
In state	---		670	
Equipment	---		2,855	
Total	$ ---		$ 18,509	
Less transfer from fund established by RSA 270:5, VII	---		18,509	
Net appropriation		$ 0		$ - 0 -
III Construction section:				
Personal services:				
Permanent	$ ---		$ 44,657	
Other	---		10,000	
Equipment	---		19,000	
Current expenses	---		38,000*	
Travel:				
In state	---		6,000	
Total	$ --		$ 117,657	
Less transfer in	---		117,657	
Net appropriation		$ 0		$ - 0 -
Total for water resources board		$ - 0 -		$ 7,300

cv. To be used only for matching purposes with federal funds and this appropriation shall not be transferred or expended for any other purpose.

* Includes $28,000 to be used for equipment rental.

32 Water pollution commission:				
I Office of commission:				
Other personal services:				
Permanent	$ ---		$ 5,648	
Other	---		15,000	
Current expenses	6,000		6,000	
Travel:				
In state	3,000		3,000	
Total		$ 9,000		$ 29,648
II Sanitary engineering:				
Other personal services:				
Other	$ ---		$ 15,000	
Current expenses	11,500		12,000	
Travel:				
In state	3,000		3,000	
Total		$ 14,500		$ 30,000
III State aid grants		---		216,500cy
Total for water pollution commission		$ 23,500		$ 276,148

cy. The sum hereby appropriated shall not lapse, but shall be added to the appropriation of the commission in any succeeding fiscal year, to be used for the purpose herein contained.

Total net appropriation as included in sections 2 thru and including 32	$ 670,614	$5,732,993
Less appropriation reduction section 33	400,000	---
Total net appropriation as included in sections 2 thru and including 33	$ 270,614	$5,732,993

33 Reducing the fiscal year 1972 net appropriation for Medical care and services in the Division of Welfare $400,000. Amend the appropriation in 1971, 557:25, VII, (a) 4 (B) by striking out the same and inserting in place thereof the following:

(B) Medical care and services	$10,444,159	$14,100,017
Less local share	548,569	652,377
Less federal share	6,199,653	8,369,770
Net appropriation	$ 3,695,937	$ 5,077,870

34 Certain First Year Appropriation to Division of Welfare Extended Through the Biennium. Amend 1971, 557:25, VII (a) (3) by striking out the line reading:

"Public assistance systems development and data processing costs 204,444a 111,756a"

and inserting the following:

(Public assistance systems development and data processing costs 204,444g 111,756a)

35 Estimated Federal Funds. Amend laws of 1971, 557:57 by striking out the same and inserting in place thereof the following: If under any appropriation in section 2 through 55, excepting all appropriations under paragraph V of Section 25, the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates and the applicable state matching funds.

36 Estimated Federal Funds - Division of Public Health. Amend laws of 1971, 557 by inserting after section 57 the following new section: 557:57-a Estimated Federal Funds- Division of Public Health. If under any appropriation in paragraph V of section 25, the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates.

37 Estimated Federal Funds. If under any appropriation in section 2 through 33 the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates and the applicable state matching funds.

38 Expenditure of the funds appropriated in this act for the establishment of new classified positions shall be subject to final determination by the Department of Personnel as to the appropriateness of the salary grades.

39 Armory Rentals. Rent for the use of an armory shall be credited and expended in accordance with the provisions of RSA 110-A:43 and is hereby appropriated for said purposes.

40 Additional Attorneys General. Amend RSA 7:16 as amended by striking out in line two the word "ten" and inserting in place thereof the word(twelve)so the said section as amended shall read as follows:

7:16 Assistant Attorneys-General. The attorney-general, subject to the approval of the governor and council, may appoint twelve assistant attorneys-general, each of whom shall hold office for a term of five years. Any vacancy in such office may be filled for the unexpired term. An assistant attorney-general may be removed only as provided by RSA 4:1.

41 Salaries of Unclassified Personnel. Amend RSA 94:1-a (supp) as inserted by 1969, 500:12 as amended by striking out the line reading "Assistant attorneys general (10) 15,226 17,129"; and by inserting in proper alphabetical order the following line:

(Assistant attorneys general 15,226 17,129)

42 Making Appropriation for Law Enforcement Manuals Non-lapsing for the Biennium. Amend 1971, 557:10, I by striking out the line reading "Law enforcement manual 2,000" and inserting in place thereof the following: (Law enforcement manual 2,000f).

43 Correction of footnote. Amend 1971, 557:49, IV relative to state prison, by striking out the following line items "Current expenses:

Food	111,500a	121,500a
Other	47,500co	47,500co"

and inserting in place thereof the lines:

(Current expenses:		
Food	111,500co	121,500co
Other	47,500	47,500)

44 Footnote Amended. Amend 1971, 557:75 by striking out the footnote lettered co. and inserting in place thereof the following:

co. In this appropriation in 1972 $22,000 and in 1973 $22,500 shall be for products used from the institution's farm, and no part of this amount shall be transferred or expended for any other purpose. The institution's farm shall receive credit for all products used even though in excess of $22,000 for 1972 and $22,500 for 1973.

45 Appropriation Extension. Amend Laws of 1969, Chapter 505, Paragraph XV, (a) (5) Cold River Watershed project (jointly with State of Maine) $4,300; (b) Highway relocation Baker River Site #1 $142,000 and; (c) Sugar River Site D-1 (State share only) $103,538 shall be available for expenditure until June 30, 1973.

46 Exemption for contract of certain departments. Amend RSA 228:4, I-a as inserted by 1957, 257:1 and by 1971, 55:1 by inserting after the word "development" in line three, the words (and water resources board) so that said paragraph as amended shall read as follows:

I I-a Notwithstanding the provisions of paragraph I, projects for the fish and game department, the division of parks of the department of resources and economic development and the water resources board, in excess of ten thousand dollars and not more than one hundred thousand dollars, may be done on a force account basis upon recommendation of the public works and highway commissioner that such procedure is in the best interest of the state, with the approval of governor and council.

47 Authorization for public works and highways to encumber highway federal aid. Amend RSA 228 by inserting after section 13 the following new sections:

228:14 Authorization to encumber federal aid. The department of public works and highways is hereby authorized to encumber a total amount not to exceed one year of the regular federal aid highway appropriations. This authorization shall be a continuing authorization and shall be utilized to encumber contracts under the direction of the commissioner.

228:15 Accounts. The department shall maintain the records of the projects involved under this authorization in the regular federal aid appropriation account already established.

48 Changing footnote to allow transfers within debt service appropriation to public works and highways. Amend 1971, 557:38, XI by striking out said paragraph and inserting in place thereof the following:

XI Debt service:

Bonds maturing	$5,450,000	$5,450,000
Interest on bonds	970,000	804,200
Interest on temporary financing	300,000	400,000
Total	$6,720,000a	$6,654,200a

49 Correction of Totals. The legislative budget assistant is authorized and directed to make such corrections of totals and subtotals appearing in Laws of 1971, 557 and 581 needed to reflect the amendments thereto made by this act.

50 Effective Date. This act shall take effect on passage.

The Committee offered a proposed amendment to the original proposed amendment.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, and non-academic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof.

Amend the bill by striking out in section 10 paragraphs III and IV and renumbering paragraphs V and VI to read III and IV.

Further amend section 10 by striking out the line "Net appropriation for board of education $128,501 $2,244,311 and

inserting in place thereof the line:

(Net appropriation for board of education	$11,740	$407,793).

Further amend the bill by striking out section 11 and inserting in place thereof the following:

11 Higher education fund		
University of New Hampshire, Keene and Plymouth State College	$ —	$405,592
Total for higher education	$ —	$405,592bs

bs. For the fiscal years ending June 30, 1972 and 1973, the millage formula provided by RSA 187:24 is hereby suspended, and the sums hereby appropriated shall be the total appropriation for the University of New Hampshire, Plymouth state college, and Keene state college and shall be in lieu of requirements for appropriation under said RSA 187:24.
Out-of-state tuition shall be set annually by the Board of Trustees at a figure which reflects actual cost of per capita operating costs including instructional expenses, overhead, and bond retirement (excluding self-liquidating bonds) as determined by the costs in the fiscal year just preceding the first of January for the fiscal year in which the tuition is to be charged.

Amend the bill by striking out in section 12 paragraph III, (b) and inserting in place thereof the following:

(b) Vital Statistics:		
Personal services:		
Permanent	$ —	$9,755

Amend the bill by striking out in section 20 paragraph VII the following lines:

"Safety department — for commissioner, division of motor vehicles, state police and safety services	$333,273	$427,386
Total for public works and highways	$1,004,380	$1,418,027
Less estimated revenue and balance:		
Available from estimated lapses and balance	1,004,380	1,418,027
Net appropriation for public works and highways	$ —	$ — "

and inserting in place thereof the following:

(Safety department — for commissioner, division of motor vehicles, state police and safety services	$325,773	$ 434,886
Total for public works and highways	$996,880	$1,425,527
Less estimated revenue and balance:		
Available from estimated lapses and balance	996,880	1,425,527
Net appropriation for public works and highways	$ —	$ —)

Amend the bill by striking out section 23, paragraph I and inserting in place thereof the following:

I Office of commissioner:				
(a) Administration, warehouse and graphic arts:				
Personal services:				
Permanent	$4,630		$20,995	
Current expenses	150		150	
Equipment	4,500		—	
Total		$9,280		$21,145
(b) Design, development and maintenance:				
Other expenditures:				
Reconstruction and repairs at Bear Brook State Park	$15,500a		—	
Total for office of commissioner		$24,780		$21,145

Further amend section 23 by striking out in section 23, IV the lines "other personal services: Permanent $2,700 $4,000" and inserting in place thereof the lines:

(Personal services:		
Other	$2,700	$4,000)

Further amend section 23 by striking out the line after paragraph IV "Total for Resources and economic development $17,142 $64,066" and inserting in place thereof the line:

(Total for Resources and economic development	$32,642	$63,066)

Further amend section 23 by inserting at the end the section the following new footnote:

a. The funds in this appropriation shall not be transferred or expended for any other purpose.

Amend the bill by striking out the following lines after the footnotes of section 32:

"Total net appropriation as included in sections 2 thru and including 32	$670,614	$5,732,993
Less appropriation reduction section 33	400,000	—
Total net appropriation as included in section 2 thru and including 33	$270,614	$5,732,993"

Amend the bill by striking out all after section 49 and inserting in place thereof the following sections:

50 New Salary Ranges. Amend RSA 99:1 (supp), as amended, by striking out said section and inserting in place thereof the following: 99:1 Salaries Established. The salary ranges for all classified employees shall be established commencing on August 18, 1972 as follows:

Salary Grade	MIN.	STEP 1	STEP 2	STEP 3	MAX.
1	4525.82	4642.56	4758.26	4875.00	4990.44
2	4642.56	4758.52	4873.96	4989.40	5105.10
3	4758.52	4873.96	4988.36	5103.80	5219.50
4	4837.04	4986.80	5139.42	5318.56	5508.88
5	4989.14	5180.24	5399.42	5618.60	5837.78
6	5174.00	5393.18	5612.62	5831.80	6050.98
7	5415.80	5669.82	5924.10	6177.86	6431.88
8	5629.00	5883.02	6143.02	6391.06	6645.08
9	5841.68	6095.96	6349.98	6604.00	6858.02
10	6060.60	6309.16	6563.18	6822.40	7163.52
11	6267.82	6522.10	6905.08	7164.82	7542.60
12	6573.58	6929.78	7285.98	7642.18	7998.38
13	6773.26	7171.06	7574.06	7974.46	8374.86
14	7178.60	7594.60	8010.60	8426.60	8842.60
15	7549.88	7981.48	8413.08	8847.28	9278.88
16	7798.96	8248.76	8698.56	9145.76	9598.16
17	8050.90	8518.90	8984.30	9449.70	9915.10
18	8414.38	8908.38	9402.38	9896.38	10390.38
19	8778.12	9298.12	9820.72	10343.32	10863.32
20	9154.60	9677.20	10202.40	10727.60	11252.80
21	9531.34	10059.14	10586.94	11112.14	11639.94
22	10014.42	10622.82	11231.22	11837.02	12448.02
23	10495.16	11126.96	11758.76	12387.96	13022.36
24	10975.64	11630.84	12286.04	12941.24	13596.44
25	11757.98	12467.78	13174.98	13882.18	14591.98
26	12144.86	12867.66	13593.06	14315.86	15038.66
27	12532.00	13270.40	14008.80	14747.20	15488.20
28	12939.68	13717.08	14494.48	15271.88	16049.28
29	13349.96	14163.76	14980.16	15793.96	16610.36
30	13760.50	14613.30	15466.10	16318.90	17174.30
31	14747.98	15634.58	16523.78	17770.38	18299.58
32	15735.72	16658.72	17579.12	18502.12	19425.12
33	16933.80	17950.40	18967.00	19981.00	20997.60
34	18134.74	19242.34	20352.54	21460.14	22570.34

51 Appropriation. There are hereby appropriated for the fiscal year ending June 30, 1973 the salary increases for permanent classified employees as provided herein, the following sums: $1,913,610 from the general funds of the state, $1,005,640 from highway funds, $101,287 from fish and game funds, $473,880 from federal funds, $122,991 from self-sustaining and toll funds.

52 Appropriations for Temporary and Seasonal. There is hereby appropriated for the fiscal year ending June 30, 1973 for the salary increases for temporary and seasonal employees as provided herein the following sums: $312,555 from general funds of the state, $105,683 from highway funds, $20,237 from self-sustaining funds, $6,391 from fish and game funds, and $123,453 from federal funds.

53 Change in Date. Amend RSA 99:3 (supp) as amended by striking out said section and inserting in place thereof the following: 99:3 Increase in Salary. Classified employees of the state as of August 18, 1972 shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their annual salaries shall be in accordance with the salary scale set forth in RSA 99:1. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

54 Appropriations for Retirement and Oasi. There are hereby appropriated in addition to any other sums appropriated for retirement and OASI for fiscal 1973 the following sums:

	Fiscal 1973
General fund	$125,950
Highway fund	68,581
Fish and Game fund	6,340
Federal	42,176
Self-sustaining	9,364
	$252,411

55 University of New Hampshire. There is hereby appropriated for the fiscal year ending June 30, 1973 the sum of four hundred and thirty three thousand five hundred sixteen dollars. The sum hereby appropriated shall be used by the trustees of the university of New Hampshire to increase the salaries of the non-academic employees on the following campuses and in the

following amounts: University of New Hampshire $350,685, Keene state college $40,733 and Plymouth state college $42,098. This appropriation shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrant for this sum out of any money in the treasury not otherwise appropriated.

56 State Classified Personnel and Management Study Commission. There is hereby established a state classified personnel and management study commission consisting of six members. Two shall be appointed by the president of the senate, two by the speaker of the house, and two by the governor. The governor shall designate one member as chairman of the commission. The members shall not receive any salary, but shall be entitled to reimbursement of legislative mileage and reasonable expenses incurred in the performance of their duties under this act.

57 Powers of the Commission. The commission is authorized and empowered for the purposes of this act:

I. To apply for, receive, accept, make use of and expend funds, services or personnel from any public or private sources.

II. Subject to the governor's approval, to hire, employ, or contract with any person or persons.

58 Objectives. The commission shall conduct a study to reach the following objectives:

I. A comprehensive analysis on a statewide basis as to why specific jobs are being performed within state departments;

II. A broad understanding as to how jobs function from department to department;

III. Recommendations as to the effectiveness and efficiency of statewide job performance:

IV. Recommendations as to savings which would be realized by improvement in present job efficiency or by elimination of duplicate or obsolete job functions; and

V. A detailed, practical program, which should describe those steps necessary to be implemented in order to realize the savings and operational improvements developed as a result of the study.

59 Duties of the Commission. The commission shall:

I. Make a thorough evaluation of the state personnel system;

II. Cause a performance, management and operations analysis to be made of the state personnel department;

III. Determine if and in what areas the policies, procedures and programs of the department of personnel and the personnel commission could be strengthened or enlarged. The areas for consideration and study shall include the following:

(a) Sufficiency of the department of personnel's staff and appropriation for it to meet its statutory requirements;
(b) The state's classification plan;
(c) The state's compensation plan;
(d) Recruitment and selection program;
(e) Overtime and differential pay;
(f) Employee performance or merit rating;
(g) The state's longevity pay plan;
(h) Management development and training;
(i) Personnel records;
(j) Appointments, promotions and transfers;
(k) Manpower planning;
(l) Personnel attitude survey; and
(m) The state tenure system and the manner of employee evaluation prior to the granting of tenure.

IV. Review the existing laws and regulations relating to state employees, and report on such revisions as seem desirable for the betterment of state service;

V. Ascertain the cost, and administrative requirements necessary for establishing in-service training programs for classified employees, for the biennium beginning July 1, 1973.

VI. Ascertain the cost and administrative requirements necessary for establishing a discretionary fund for rewarding worthy state employees, for exceptional service to the state.

60 Report and Recommendations. No later than December 15, 1972, the commission shall report its findings and recommendations to governor and council and the general court, together with any proposed legislation necessary to carry out its recommendations. Interim reports shall be rendered if required by any session of the general court convening before the above date.

61 Appropriation. The sum of one hundred and eighty thousand dollars is hereby appropriated for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

62 Summary of General Fund Appropriations.

	Fiscal 1972	Fiscal 1973
Total net appropriation as included in sections 2 thru and including 32	$569,353	$3,490,882
Less appropriation reduction section 33	400,000	—
Total net appropriation as included in sections 2 thru 33	$169,353	$3,490,882
Add, General fund appropriations from:		
Section 51	—	1,913,610
Section 52	—	312,555
Section 54	—	125,950
Section 55	—	433,516
Section 61	180,000	—
Total net general fund appropriation	$349,353	$6,276,513

63 Effective date. This act shall take effect as follows:

I. upon its passage: sections 1 through 49 and 56 through 62.

II. on August 18, 1972: sections 50 through 55.

Rep. Drake explained the proposed committee amendment to the original proposed committee amendment.

(Deputy Speaker in the Chair)

(discussion)

Reps. Cobleigh and Raiche spoke in favor of the proposed committee amendment.

(Speaker in the Chair)

Rep. Sayer spoke in favor of the proposed committee amendment.

Rep. Dion moved the previous question on the proposed committee amendment.

Sufficiently seconded.

Adopted.

Committee amendment to the committee amendment adopted.

Committee amendment as amended adopted.

Reps. Nighswander and Drouin wish to be recorded in favor of Rep. Drake's amendment to the budget bill, HB 43.

Reps. Coburn, Ferguson and Howland offered an amendment.

Rep. Coburn moved to suspend with the reading of the amendment.

Adopted.

Rep. Ferguson explained the amendment.

(discussion)

Reps. Drake and Joseph Eaton spoke in favor of the amendment.

Reps. James O'Neil and Menge spoke against the amendment.

Rep. Dion moved the previous question on the amendment.

Adopted.

Rep. Webster requested a division.

It being manifestly in the negative, the Coburn-Ferguson-Howland amendment lost.

Rep. Goodrich offered an amendment.

AMENDMENT

Amend the bill by striking out section 63 and inserting in place thereof the following:

63 Changing Effective Date of Authority to Construct Toll Road from Manchester to Hampton and the Appropriation Therefor. Amend RSA 256-C by inserting after section 14 the following new section: 256-C:15 Effective Date of Manchester-Hampton Toll Road. The authorization granted by RSA 256-C:2, IV and the appropriation made therefor by RSA 256-C:6 shall not take effect until July 1, 1973.

64 Effective Date. This act shall take effect as follows:

I. Upon its passage: sections 1 through 49 and 56 through 63;

II. On August 18, 1972: sections 50 through 55.

Rep. Scamman spoke in favor of the amendment.

(discussion)

Rep. Trowbridge spoke against the amendment.

Rep. Robinson spoke in favor of the amendment.

Rep. Maloomian moved the previous question on the entire subject matter.

Adopted.

Rep. Greenwood requested the yeas and nays.

Sufficiently seconded.

ROLL CALL

YEAS: 185 NAYS: 156

YEAS

ROCKINGHAM COUNTY:

Stimmell, Wilson, Helen F., Griffin, Margaret A., Boucher, Soule, Adams, Gay, MacGregor, Read, Senter, Lovell, Belair, Gelt, Morrison, O'Neil, Robert E., Sayer, Smith, Philip A., White, Palmer, Schwaner, Spollett, Cummings, Charles E., Benton, Greenwood, Goodrich, Vey, Sewall, Twardus, Scamman, Collishaw, Eastman, Junkins, Page, Varrill, Randall, Cheney, George L., Fiske, Casassa, Leavitt, Greene, Hammond, Weeks, Keefe, Maynard, McEachern, Chandler, Griffin, Ruth L., Quirk, Connors, Dame, Palfrey, Jameson, Levy, Woods, O'Keefe, Croft.

STRAFFORD COUNTY:

McIntire, Canney, Smith, Elmer C., Stevenson, Douglas M., Tirrell, Joncas, Maloomian, Habel, Chasse, Hebert, Boire, Dumais, Ineson, Thompson, Barbara C., Ruel, Beaudoin, Sylvain, Dunlap, Preston, Balomenos, Tripp, Peabody, Raymond B., Bernard, Webber, Cogswell, Young, Kinney, Richardson, Harriett W. B.

SULLIVAN COUNTY:
Townsend, Gaffney, Rousseau, Barrows, Burrows, Downing, Saggiotes, Edes, Frizzell, Williamson.

BELKNAP COUNTY:
Lawton, Wilkinson, Hood, Drouin, Huot, Prescott, Dulac, Maguire.

CARROLL COUNTY:
Cox, Webster.

CHESHIRE COUNTY:
Ballam, Churchill, Forbes, McGinness, Ames, Saunders, Shortlidge.

COOS COUNTY:
Metcalf, Hunt, Mayhew, Burns, O'Hara, Oleson, Dubey, Roy, Theriault, Kidder, Richardson, Mabel L.

GRAFTON COUNTY:
Gardner, Van H., Stevenson, Malcolm J., Chamberlin, Tremblay, Merrill, Buckman, Bradley, Richard L.

HILLSBOROUGH COUNTY:
Eaton, Joseph, Withington, Brocklebank, Belzil, Parker, Gerry F., Belcourt, Trombley, Drabinowicz, Lachance, Chamard, Cote, Margaret S., O'Neil, Robert, Aubut, Boisvert, Wilfrid A., Ouellette, Sirois, Bednar, Keeney, Rodgers, Peabody, Arthur H., Dwyer, Abbott, Cote, Joseph L., Dion, Duhaime, Armand L., Cullity, Welch, John L., Lynch, John T., McDonough, Leclerc, Sysyn, Simard, Lemieux, Raiche, St. Onge, Robinson, Lynch, Doris T., O'Connor, James P., Lamy, Murphy, Dennis J., Lesmerises, Grady, O'Connor, Timothy K., Vachon.

MERRIMACK COUNTY:
Andrews, Riley, Gamache, Gordon, Bartlett, Perkins, Kopperl, Thompson, Doris L., Cate, York, Edward H., Filides, Howland.

Reps. Fernald, Haller, Underwood and Chaisson recorded in favor of Goodrich amendment.

NAYS

ROCKINGHAM COUNTY:
Hamel, Cunningham, Langley.

STRAFFORD COUNTY:

Brown, Beckett, Clark, Shirley M., Cochrane, Towle, Blanchette, Leighton, Fellows.

SULLIVAN COUNTY:

Spaulding, Roma A., D'Amante, Galbraith, Wiggins.

BELKNAP COUNTY:

French, Roberts, Charles B., Nighswander, Wuelper, Roberts, George B., Mutzbauer, Head, Randlett, Whittemore.

CARROLL COUNTY:

Howard, Donalda K., Davis, Esther M., Lagroe, Hayes, Conley, Davis, Dorothy W., Chase, Russell C., Claflin.

CHESHIRE COUNTY:

Trowbridge, Yardley, Cournoyer, Forcier, Allen, Bennett, Johnson, Elmer L., Coughlin, Dunham, Hackler, O'Neil, James E., Mallat, Raymond, Vogel, Heald, Cleon E., Streeter, Moran, Barker, Drew.

COOS COUNTY:

Cook, Huggins, Bushey, Lee, Fortier, Desilets, Studd, York, Elmer H., Brungot, McCuin, Oswell, Bouchard, Gagnon.

GRAFTON COUNTY:

Tilton, Higgins, McGee, Brummer, LaMott, Anderson, Menge, Nutt, Gemmill, Duhaime, Roger M., Dudley, Altman, Blain, Krainak, Bell, Sears.

HILLSBOROUGH COUNTY:

Humphrey, Howard S., Knight, Monier, Poehlman, Sorenson, Colburn, Daloz, Mann, Arthur F., Murray, Karnis, Eaton, Clyde S., Heald, Philip C., Carter, Coburn, Ferguson, Bragdon, Spalding, Kenneth W., Hall, Bouchard, Maurice L., Record, Gabriel, Alukonis, Richardson, John W., Lyons, Bridges, Harvell, Van Loan, Ainley, Daniels, Lang, Milne, Zachos, Ackerson, Montplaisir, Murphy, Francis, Bruton, McDermott, Campono, Champagne, Chevrette, Derome, Belanger, Levasseur, Martineau, Allard, Brunnelle, Lambert, Burke.

MERRIMACK COUNTY:

Sherman, Bigelow, Hardy, Parker, Harry C., Reddy, Hanson, Enright, Little, Avery, Burleigh, Daniell, Piper, Greeley, Mattice, Humphrey, James A., Michels, Davis, Alice, Cheney, Charles H., McLane, Miner, MacDonald, Wilson, Ralph W.,

Fuller, Glavin, Howard, C. Edwin, Woodward, Noble, Welch, Shirley B.

Goodrich amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. James O'Neil and Raiche moved that the rules of the House be so far suspended as to place on third reading and final passage at the present time without reading titles, all bills taken up during the morning session.

Adopted.

THIRD READING AND FINAL PASSAGE BY HOUSE

HB 49, making appropriations for capital improvements and amending the 1969 capital budget.

HB 66, providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor.

HB 67, exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter and making an appropriation therefor.

HB 40, accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death.

HB 43, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, and nonacademic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof.

SUSPENSION OF RULES

Rep. Zachos moved that the rules of the House be so far suspended as to permit hearings tomorrow on SB 18, establishing a committee to study the question of recall of public officials by the electorate, and SB 23, requiring that a capias be served

by police officers, at 10:00 a.m. in Room 100, without two days' notice.

Adopted.

RECESS

AFTER RECESS

The Speaker called for the special order for 10:02.

HB 18

increasing the fees on boats and motors, repealing the town tax on boats, and clarifying the duties of the division of safety services. Ought to pass with amendment. Rep. Hamel for Transportation.

Increases boat fees but eliminates the property tax which has been paid by only 26% of the registered owners. Does not cover ocean going vessels but includes sailboats over 14 feet. Payments to municipalities are phased out over a three year period and Division of Safety Services is given the registration responsibilities. Amendment increases fees for commercial and larger boats.

Rep. Hamel explained the bill and amendment.

Rep. Kopperl moved that HB 18 be referred jointly to the Committees on Transportation and Resources, Recreation and Development for interim study and report at the next regular legislative session.

Reps. Hamel, French, Brummer, James Humphrey and James O'Neil spoke against the motion.

Reps. Sherman, Andrews, Wiggin, Lawton and Huggins spoke in favor of the motion.

Rep. Wilfrid Boisvert moved the previous question on the entire subject matter.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the affirmative, HB 18 was referred to Joint Committees on Transportation and Resources, Recreation and Development for interim study and report.

HB 51

increasing the salaries of permanent classified state employees and establishing a state classified personnel and management study commission, and making an appropriation therefor. Ought to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

In 1969 effort was made to bring state salaries in line with comparable salaries elsewhere. Only one-half of the necessary amount was granted. In 1970, three months of the full amount was granted — bringing the state employees 1970 salaries in line with salaries paid in 1968 elsewhere. No pay raise granted in 1971 so state employees still at 1968 level. Committee also supports amendment to bill which amount was granted — bringing the state employees 1970 salaries in line with salaries paid in 1968 elsewhere. No pay raise granted in 1971 so state employees still at 1968 level. Committee also supports amendment to bill which will be presented to Appropriations Committee giving unclassified employees equal treatment as they have not received increase since 1970 either. Total cost $7,322,981.60 from General Fund $3,737,655.81.

Rep. Shirley Clark moved that the words, inexpedient to legislate, subject matter covered by other legislation, be substituted for the committee report, ought to pass with amendment.

Adopted.

SB 15

repealing the provisions for discretionary real estate licenses. Ought to pass. Rep. Shirley Clark for Executive Departments and Administration.

Rep. Raiche moved that SB 15 be made a special order for 11:01 tomorrow.

Adopted.

Rep. James O'Neil moved that the House do now resolve itself into a Committee of the Whole to consider more freely a technical discussion and explanation of the provisions of House Bill 70; it being understood and agreed that no vote or resolution on the merits of the bill shall be taken today.

(discussion)

Reps. Gerry Parker and Bednar spoke against the motion.

Reps. Menge, Harvell and Raiche spoke in favor of the motion.

Rep. Robinson moved that this issue be made a special order for 11:02 tomorrow.

Rep. James O'Neil spoke against the motion.

(Rep. George Roberts in the Chair)

Rep. Cobleigh spoke against the motion.

Rep. Gordon spoke in favor of the motion.

(Speaker in the Chair)

Rep. Malcolm Stevenson moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Webster requested a division.

132 members having voted in the affirmative and 165 in the negative, the motion failed.

The question now is on the O'Neil motion.

Rep. Reddy requested the yeas and nays and subsequently withdrew his motion and requested a division.

154 members voted in the affirmative and 161 in the negative.

Rep. Reddy requested the yeas and nays.

Sufficiently seconded.

ROLL CALL

YEAS: 141 NAYS: 199

YEAS

MERRIMACK COUNTY:

Sherman, Bigelow, Parker, Harry C., Reddy, Little, Burleigh, Michels, Davis, Alice, Haller, McLane, Miner, Filides, Underwood, MacDonald, Wilson, Ralph W., Fuller, Glavin, Howard, C. Edwin, Woodward, Welch, Shirley B.

ROCKINGHAM COUNTY:

Stimmell, Griffin, Margaret A., Lovell, Belair, Gelt, Palmer, Scamman, Collishaw, Eastman, Page, Hamel, Fiske, Casassa, Cunningham, Leavitt, Greene, Hammond, Lockhart, Weeks, Keefe, Chandler, Chaisson, Jameson, Levy, Woods, O'Keefe, Croft.

STRAFFORD COUNTY:

Brown, Stevenson, Douglas M., Beckett, Clark, Shirley M., Cochrane, Tirrell, Towle, Cogswell, Kinney.

SULLIVAN COUNTY:

Townsend, Gaffney, Keating, Frizzell, Galbraith, Williamson.

BELKNAP COUNTY:

Davis, Guy N., French, Roberts, Charles B., Wilkinson, Nighswander, Wuelper, Roberts, George B., Mutzbauer, Drouin, Huot, Head, Dulac, Randlett.

CARROLL COUNTY:

Davis, Esther M., Hayes, Chase, Russell C., Claflin.

CHESHIRE COUNTY:

Churchill, Forbes, Trowbridge, Yardley, Allen, Bennett, Dunham, Hackler, O'Neil, James E., Mallat, Heald, Cleon E., Shortlidge, Barker, Drew.

COOS COUNTY:

Mayhew, Lee, Burns, Oleson, Fortier, Studd, Richardson, Mabel L.

GRAFTON COUNTY:

Tilton, McGee, Mann, Ezra B., Bradley, David H., Nutt, Gemmill, Duhaime, Roger M., Dudley, Merrill, Altman, Blain, Bell.

HILLSBOROUGH COUNTY:

Knight, Poehlman, Colburn, Mann, Arthur F., Murray, Heald, Philip C., Warren, Carter, Coburn, Ferguson, Bragdon, Spalding, Kenneth W., Hall, Bouchard, Maurice L., Cote, Margaret S., Gabriel, Richardson, John W., Peabody, Arthur H., Lyons, Harvell, Van Loan, Abbott, Ainley, Daniels, Milne, Zachos, Spirou, Sysyn, Raiche.

NAYS

MERRIMACK COUNTY:

Andrews, Hardy, Riley, Gamache, Gordon, Bartlett, Avery,

Perkins, Kopperl, Thompson, Doris L., Daniell, Piper, Greeley, Mattice, Humphrey, James A., Cate, York, Edward H., Cheney, Charles H., Howland, Noble.

ROCKINGHAM COUNTY:

Fernald, Boucher, Soule, Adams, Gay, MacGregor, Read, Senter, Morrison, O'Neil, Robert E., Sayer, Smith, Philip A., White, Schwaner, Spollett, Cummings, Charles E., Benton, Greenwood, Goodrich, Vey, Sewall, Twardus, Junkins, Varrill, Randall, Cheney, George L., Langley, Maynard, McEachern, Quirk, Connors, Dame, Palfrey.

STRAFFORD COUNTY:

Canney, Smith, Elmer C., Joncas, Maloomian, Habel, Chasse, Hebert, Boire, Dumais, Ineson, Ruel, Beaudoin, Sylvain, Dunlap, Preston, Balomenos, Tripp, Blanchette, Leighton, Peabody, Raymond B., Bernard, Webber, Fellows, Young, Parnagian, Richardson, Harriett W. B.

SULLIVAN COUNTY:

Rousseau, Barrows, Burrows, D'Amante, Downing, Edes, Wiggins.

BELKNAP COUNTY:

Lawton, Hood, Maguire, Whittemore.

CARROLL COUNTY:

Howard, Donalda K., Cox, Lagroe, Conley, Davis, Dorothy W., Webster.

CHESHIRE COUNTY:

Ballam, Cournoyer, Forcier, McGinness, Johnson, Elmer L., Vogel, Ames, Saunders, Streeter, Moran.

COOS COUNTY:

Cook, Huggins, Metcalf, Bushey, Hunt, O'Hara, Dubey, Roy, Desilets, York, Elmer H., Brungot, McCuin, Oswell, Bouchard, Gagnon, Theriault, Kidder.

GRAFTON COUNTY:

Gardner, Van H., Stevenson, Malcolm J., Higgins, Brummer, Chamberlin, Anderson, Tremblay, Krainak, Buckman, Sears, Bradley, Richard L., Mitchell.

HILLSBOROUGH COUNTY:

Humphrey, Howard S., Eaton, Joseph M., Withington, Monier, Sorenson, Daloz, Karnis, Eaton, Clyde S., Belzil, Par-

ker, Gerry F., Record, Belcourt, Trombley, Drabinowicz, Gardner, Cleon J., Lachance, Chamard, O'Neil, Robert, Aubut, Boisvert, Wilfrid A., Ouellette, Sirois, Alukonis, Bednar, Keeney, Rodgers, Dwyer, Bridges, Lang, Ackerson, Montplaisir, Murphy, Francis, Cote, Joseph L., Duhaime, Armand L., Cullity, McDermott, Welch, John L., Barrett, William F., Clancy, Healy, Lynch, John T., Leclerc, Simard, Campono, Champagne, Chevrette, Derome, St. Onge, Robinson, Belanger, Lynch, Doris T., O'Connor, James P., Lamy, Murphy, Dennis J., Levasseur, Martineau, Allard, Brunelle, Lambert, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

Rep. Menge abstained under Rule 16.

Motion failed.

The Speaker called for the special order for 10:01.

HB 44

providing for the assessment of land at valuations based upon the current use thereof.

The question being on the motion to indefinitely postpone.

Rep. Senter spoke against the motion.

(Deputy Speaker in Chair)

(discussion)

Reps. Daniell, Levy, Hackler and Bednar spoke in favor of the motion.

Reps. Altman, Read, Wiggins, Parker, Mayhew and Menge spoke against the motion.

(Speaker in Chair)

Reps. Hardy, Oleson, Monier, Burns, Kopperl, Claflin, Frizzell and Richard Bradley spoke against the motion.

Rep. Langley spoke in favor of the motion.

Rep. Bednar spoke a second time in favor of the motion.

Rep. Elmer Johnson spoke against the motion.

Rep. Lambert moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Bednar requested a division.

It being manifestly in the negative the motion failed.

The question now is on the Committee amendment.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act

providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appraisal of Forest and Farm Land. Notwithstanding the provisions of RSA 75:1 the selectmen shall, from April 1, 1972 through June 30, 1973 inclusive, appraise forest and farm land, excluding any building, appurtenance or other improvement thereon, at valuations based upon the current use thereof. As used in this act:

A. "Farm land" means any land devoted to agricultural or horticultural use as determined and classified by criteria developed by the commissioner of agriculture and adopted by the board.

B. "Forest land" means any land devoted to silviculture as determined and classified by criteria developed by the state forester and adopted by the board.

2 Current Use Advisory Board; Members, Appointments, Term and Chairman.

I. There is hereby established a current use value advisory board which shall function within the tax commission.

II. The board shall consist of nine members to be appointed as follows:

(a) Three members who are assessing officials shall be appointed by the governor with the advise and consent of the council, one of whom shall be an assessing official in a town with a population of less than five thousand; one of whom shall

be an assessing official in a town with a population of more than five thousand; and one of whom shall be an assessing official in a city. Each member shall hold office for the term of his position as assessing official, and until his successor shall have been appointed and qualified, and any vacancy shall be filled for the unexpired term by the governor with the advise and consent of the council.

(b) One member of the senate appointed by the president of the senate. The term of said member shall be coterminous with his term as senator to which he was elected at the time of his appointment. A vacancy shall be filled for the unexpired term by the president of the senate.

(c) One member of the house of representatives, appointed by the speaker of the house. The term of said member shall be coterminous with his term as representative to which he was elected at the time of his appointment. A vacancy shall be filled for the unexpired term by the speaker of the house.

(d) The commissioner of agriculture, or his designate.

(e) The commissioner of the department of resources and economic development, or his designate.

(f) The dean of the college of life sciences and agriculture of the university of New Hampshire, or his designate.

(g) One of the commissioners of the state tax commission, designated by the tax commissioners.

III. The board shall elect one of its members as chairman.

3 Duties. The board established by section 2 shall as far in advance as practical before April 1, 1972 and before each April first thereafter determine what in its opinion it suggests as the per unit current use value of the classes of land which pursuant to section 1 are to be appraised at such value. Such determination shall be by it submitted to the tax commission which commission shall distribute such suggested valuations to all selectmen and municipal assessing officials to assist them in carrying out the provisions of this act.

4 Valuation for Bonding Limit Purposes. For all purposes, including but not limited to the purposes of RSA 33:4-b, in computing the total valuation of all the land in a city or town, for land appraised at current use value under the provisions of

this chapter, the valuation of said land shall be at the value as though it was appraised pursuant to RSA 75:1.

5 Effective Date. Sections 2 and 3 of this act shall take effect upon passage and the remainder of the act shall take effect on April 1, 1972. The provisions of and this entire act shall become a nullity, terminate and cease to be of any force and effect on July 1, 1973.

Amendment adopted.

Rep. Greene offered an amendment.

AMENDMENT

Amend the proposed amendment to said bill by striking out section 5 and inserting in place thereof the following:

5 Assessment When Sold. Notwithstanding any provision of this act, any parcel of land sold prior to June 30, 1973 shall be taxed at the value as though it was appraised pursuant to RSA 75:1 and any such parcel of land shall be holden for the payment of any taxes deferred in accordance herewith.

6 Effective Date. Sections 2 and 3 of this act shall take effect upon passage and the remainder of the act shall take effect on April 1, 1972. The provisions of and this entire act shall become a nullity, terminate and cease to be of any force and effect on July 1, 1973.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Rep. James O'Neil moved that the rules of the House be so far suspended as to place on third reading and final passage by title only, HB 44, providing for the assessment of land at valuations based upon the current use thereof.

Adopted by the necessary 2/3.

THIRD READING AND FINAL PASSAGE BY HOUSE

HB 44, providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973.

RECONSIDERATION

Rep. Elmer Johnson, having voted with the majority, moved that the House reconsider its action in passing HB 44 and spoke against the motion.

Reconsideration lost.

RECONSIDERATION

Rep. Claflin, having voted with the majority, moved that the House reconsider its action in passing HB 67, exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter and making an appropriation therefor.

Reconsideration lost.

RECONSIDERATION

Rep. Vachon, having voted with the majority, moved that the House reconsider its action in passing HB 43, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, and non-academic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof.

Reconsideration lost.

RECONSIDERATION

Rep. Kopperl having voted with the majority, moved that the House reconsider its action in sending HB 18, increasing the fees on boats and motors, repealing the town tax on boats, and clarifying the duties of the division of safety services, to Joint Committees on Transportation and Resources, Recreation and Development for interim study and spoke against the motion.

Reconsideration lost.

On motion of Rep. Joseph Cote the House adjourned at 5:57 P.M. to meet tomorrow at 11:00 o'clock.

Wednesday, 1Mar72

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

O GOD ETERNAL, our Heavenly Father, who art the secure dwelling place of Thy people in all generations, who hast given us power and wisdom and insight to benefit all mankind; Guide us in our changing culture and perplexing society as it faces new tasks, new challenges, and new opportunities; Grant that the minds and spirits of all who bear the burdens of public service through public office be blessed with such patience and faith, such trust and confidence, such vision and strength that they may serve as stewards of peace, justice, and righteousness — all to the glory and the honor of Thy Holy Word, that we may help Thee to build Thy Kingdom here on earth, serving the common good, and ministering to the needs of this good earth. Amen.

PLEDGE OF ALLEGIANCE

Rep. McLane led the Pledge of Allegiance.

The Speaker presented Hon. U. S. Rep. Paul N. "Pete" McCloskey of California, who addressed the House briefly.

LEAVES OF ABSENCE

Reps. Perkins, Nutt, Little, Jameson and Chandler, the day, important business.

Rep. Charles Cheney, today and tomorrow, important business.

COMMITTEE REPORTS

SB 13

permitting minors to receive certain medical treatment without parental consent. Ought to pass. Rep. Roma Spaulding for Public Health and Welfare.

Rep. Webster moved that SB 13 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Reps. Wilfrid Boisvert, Sayer, Philip Smith and Schwaner spoke in favor of the motion.

Reps. Raiche, Donalda Howard, Roma Spaulding, Donald Chase, Ruth Griffin, Harvell, Coutermarsh, Williamson, Daniel and Drabinowicz spoke against the motion.

Rep. Maloomian moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Webster requested the yeas and nays.

Sufficiently seconded.

Rep. Webster withdrew her request for a roll call.

Motion to indefinitely postpone lost.

SB 13 ordered to third reading.

Reps. Murray and Shortlidge wish to be recorded in favor of SB 13.

HB 80

relating to pari-mutuel pools. Ought to pass with amendment. Rep. Balomenos for Ways and Means.

Rep. McLane explained the bill.

(Deputy Speaker in Chair)

Rep. Benton offered an amendment.

Rep. Benton explained the amendment.

(discussion)

Rep. Balomenos spoke in favor of the amendment.

Benton amendment adopted.

Rep. Malcolm Stevenson moved that HB 80, with amendments, be indefinitely postponed and spoke in favor of the motion.

Rep. Levy spoke against the motion.

Reps. Coutermarsh and Fortier spoke in favor of the motion.

On a vv the Speaker was in doubt and requested a division.

It being manifestly in the affirmative, the motion carried.

Rep. John Richardson abstained under Rule 16.

RECESS

AFTER RECESS

(Rep. Reddy in Chair)

NOTICE OF RECONSIDERATION

Rep. Andrews served notice that today, or some subsequent day he would ask reconsideration of HB 33, imposing a two percent retail sales and use tax and authorizing any city or town to impose an additional one percent local identical tax for the use of the city or town.

COMMUNICATION

"A Tribute"

October 28, 1971, the first interment in the Hon. Cleon E. Heald Cemetery on the grounds of the N. H. Home for the Elderly at Glencliff was held for a resident of this home, Mrs. Mary Manning.

This event in itself might not be significant if it were not for the following:

Mrs. Mary Manning was born in Francestown, N. H., on September 6, 1892. She died at N. H. Home for the Elderly on October 26, 1971, at the age of seventy-nine.

She was interested in music, played the piano, took violin and vocal lessons. She aspired to a musical career but due to family conditions, over which she had no control, her ambitions were frustrated.

Mrs. Manning had no children and her only known relative was a sister whom it must be assumed passed away many years ago.

Mrs. Manning suffered a loss of hearing resulting in a mental disorder and she was admitted to N. H. Hospital on August 17, 1938 and transferred to N. H. Home for the Elderly

on October 13, 1971. In spite of her mental illness and lack of hearing she was able to attend Occupational Therapy and enjoyed working in the hospital mending room from 1966-1969. Her last visit from her sister or friends was in August 1938.

Apparently, the only distinction Mrs. Manning ever achieved is the dubious honor of being the first person to be buried in this cemetery. However, I am persuaded that this event has a more significant connotation.

As I stood at the grave being prepared to receive her mortal remains, my thoughts were that she perhaps personified the great humanitarian concern of Governor Peterson and Members of the General Court of New Hampshire have for those less fortunate than ourselves.

In life Mrs. Manning was only a patient occupying a hospital bed in an overcrowded Ward at N. H. Hospital but in her final days she became a resident of the finest facility of its type in the United States. She occupied her own room in beautiful surroundings, enjoyed recreational opportunities, entertainment programs and hobby handwork instruction.

Mrs. Manning is gone but she leaves behind over one hundred fellow residents at this wonderful facility.

In her memory, as the first one to pass away at N. H. Home for the Elderly, I am hopeful that a fund one day be established to be known as The Mary Manning Fund. This fund to be used, under the supervision of the Administrator of the New Hampshire Home for the Elderly, to provide those little niceties which the Institution's Budget cannot furnish to a resident who is without personal funds.

Signed:
Cleon E. Heald

Any member desiring to contribute to the Mary Manning Fund may do so.

Contributions in any amount may be given to the following:

N. H. Home for the Elderly
Glencliff, N. H.

or to

Cleon E. Heald, Chairman of State Institutions Committee

SENATE MESSAGE

CONCURRENCE

HB 3, correcting certain errors in the acts relative to reapportionment of Keene representatives to the general court and delegates to the state convention.

HB 69, amending the charter of the city of Rochester by redrawing the ward lines to provide for five wards, and providing for the election of city officials on the basis of five wards; and reapportioning the representative districts in said city.

HB 21, relative to the New Hampshire American Revolution Bicentennial Commission.

HB 54, authorizing an amendment of the Amherst-Milford authorized regional enrollment area plan in order to reduce the number of grades covered by the plan.

The Speaker called for Special Order for 11:01.

SB 15, repealing the provisions for discretionary real estate licenses. Ought to pass.

Rep. Rodgers moved to indefinitely postpone SB 15, and spoke in favor of the motion.

(discussion)

Rep. Shirley Clark explained the bill.

Reps. Wilkinson, Monier, Gordon and Coutermarsh spoke against the motion.

Rep. Brungot commented on the bill.

Rep. Cleon Gardner moved the previous question.

Sufficiently seconded.

Adopted.

Rodgers' motion failed.

Reps. Raiche and Dwyer offered an amendment to SB 15.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act

repealing the provisions for discretionary real estate licenses and providing for the examination of holders thereof.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Examination. All persons to whom discretionary real estate licenses have been issued prior to the effective date of this act shall be examined as provided for in RSA 331-A:4-a within two years after the effective date of this act and provided however, that all persons who have failed the examination provided for in RSA 331-A:4-a and thereafter been issued discretionary real estate licenses shall be examined in accordance with the provisions thereof within six months after the effective date of this act. No license issued under the provisions of RSA 331-A:9 shall be renewed until the holder thereof has satisfactorily passed the examination provided for in RSA 331-A:4-a.

Amend the bill by inserting after section 2 the following new section:

3 Effective date. This act shall take effect sixty days after its passage.

Rep. Raiche moved to dispense with the reading of the amendment.

Adopted.

Rep. Raiche explained the amendment.

(discussion)

Reps. Shirley Clark, Dwyer and Monier spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

SENATE MESSAGE

CONCURRENCE ON HB WITH AMENDMENT

HB 15, legalizing certain town meetings in the towns of Auburn and Newington and certain votes and proceedings of the planning board of the town of Newington.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act

legalizing certain town meetings in the towns of Auburn, Farmington and Newington and certain votes and proceedings of the planning board of the town of Newington.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Proceedings Legalized. All of the votes and proceedings of the annual town meeting held March 13, 1968 (and adjourned until April 9, 1968), the special town meeting authorized by the Strafford County Superior Court and held November 4, 1970 and the special town meeting authorized by decree of the Strafford County Superior Court and held May 25, 1971 in the town of Farmington with reference to the construction of a municipal sewage system to abate pollution to its surface waters as ordered by the New Hampshire water pollution commission and to extend the sewage treatment to the compact area of the town of Farmington, are hereby legalized, ratified and confirmed.

5 Effective Date. This act shall take effect upon its passage.

(Deputy Speaker in Chair)

Rep. Allen moved that the House concur with the Senate amendment.

Adopted.

VACATED

Rep. Claflin moved that the order whereby SB 1, establishing an environmental protection division in the office of the attorney general and making an appropriation therefor, referred to Resources, Recreation and Development, be vacated and the bill be referred to Appropriations.

Adopted.

HB 50, providing for state construction and operation of water pollution control facilities in the Winnipesaukee River

Basin Watershed. Ought to pass with amendment. Rep. Drake for Special Committee.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after 149-F (supp) the following new chapter:

Chapter 149-G

Winnipesaukee River Basin Control

149-G:1 Authority to Acquire, Construct, and Operate. The New Hampshire water supply and pollution control commission is hereby authorized and directed to acquire, plan, construct, and operate, to serve certain municipalities within the Winnipesaukee river basin (including, but not necessarily limited to, Meredith, Laconia, Gilford, Belmont, Sanbornton, Tilton, Northfield, and Franklin) any and all sewage and waste disposal facilities (meaning only those facilities eligible for federal and state aid) in accordance with basin and regional treatment needs consistent with federal and state requirements. The word "construction" shall include all engineering services in addition to the construction of new sewage or waste treatment plants, pumping stations, and intercepting sewers; the altering, improving or adding to existing treatment plants, pumping stations; and intercepting sewers (except those intercepting sewers and facilities retained by municipalities) and/or any other associated work, the intent being to include within the commission area of responsibility all work considered eligible for financial assistance under the provisions of RSA 149-B and P.L. 660, 84th Congress (subsequent amendments thereof, or any other relevant federal legislation), and including any necessary land acquisition, easements and rights-of-way. In order to achieve a high degree of reliability and to provide for efficient layout, construction and maintenance of pollution control facilities, the commission is hereby authorized to locate sewer and related facilities in all public roadways, whether owned or controlled by a municipality or the state subject to provisions of RSA 249:13. The commission is also hereby obligated to restore the public roads, when disturbed for this purpose, to a condition acceptable to local and state highway authorities. Nothing here-

in shall be construed to impair or repeal the authority conferred upon municipalities, under the provisions of RSA 252, to construct main drains and common sewers.

149-G:2 Existing Disposal Systems. Any future payments due from a municipality which has undertaken construction (or engaged in engineering study, planning or design), as outlined in RSA 149-G:1, since July 1, 1947, to pay for such construction, study, planning, or design, and the facility involved is acquired by the commission, shall hereby automatically become the obligation of the state, including engineering services and contract costs.

149-G:3 Administration. In order to administer the provisions hereof and to perform such other related duties as may be required, the New Hampshire water supply and pollution control commission is hereby designated as the agency to receive and utilize any federal or other aids which may at any time be made available in the interest of water pollution control in the basin. The commission is further empowered to hire consulting engineering firms for purposes of project design and to employ such professional, technical, clerical, accounting, or other staff or consulting personnel as are required to carry out the provisions of this chapter and to arrange for the orderly transfer of ownership and operation of existing pollution abatement facilities to the commission on behalf of the state of New Hampshire within the limits of legislative appropriations. Any personnel (other than consultants) employed by the commission shall be subject to the personnel laws of the state. This chapter shall in no way impair or render null and void existing contracts between municipalities, contractors and/or other parties in connection with pollution control projects within the basin. During the interim period between enactment of this chapter and the time in which the commission can fully implement the duties assigned under the same, whenever in the commission's judgment the purposes of the chapter will be best served, a municipality may, with the approval of the commission, continue with design and construction of sewage or waste treatment facilities as provided for under statutes existing on the date this chapter becomes effective. However, in no case shall the commission authorize any municipality within the region to undertake the foregoing work after January 1, 1974. The commission is hereby authorized to adopt and promulgate (after public

hearing) such rules and regulations as are necessary to implement the provisions of this chapter. Said rules and regulations shall become effective thirty days following adoption by the commission at any regular or special meeting at which a quorum is present.

149-G:4 Application of the Statutes. All present powers, duties and functions conferred upon municipalities within the basin in connection with the planning, construction, financing and operation of sewage and/or waste treatment facilities (excepting lateral sewers and other collector facilities considered ineligible for federal grants under the provisions of P.L. 660 and subsequent amendments thereto) as are contained in RSA 148, 149, 252 and applicable statutes, are hereby transferred to the New Hampshire water supply and pollution control commission. Personnel of municipalities engaged in the operation of sewage and/or waste treatment facilities, as referred to herein, shall be given an opportunity to become employees of the commission (with all benefits previously accrued) upon the effective date of the transfer of the municipal sewage and/or waste treatment facilities to the commission. In no case shall personnel accepting state employment, as provided hereunder, be paid less than the salary paid such individuals as of January 1, 1973, nor shall they suffer a loss or reduction in benefits associated with tenure of service. It shall be the responsibility of the municipality previously employing the individual to supplement such state of New Hampshire benefits if they are less than the employee might have received if his employment had continued uninterrupted with the municipality.

149-G:5 Expenditures. With the approval of the governor and council, the commission may use state, federal or other funds acruing to the commission for the acquisition of existing sewage or waste treatment facilities, design and construction of new sewage or waste treatment facilities, alteration, improvement or additions to existing sewage or waste treatment facilities, pumping stations and intercepting sewers, inclusive of operation and maintenance of same; the terms operation and maintenance of treatment facilities shall include maintenance of all buildings, equipment, supplies, and administrative costs associated with the management of the treatment facilities, and for such other purposes as may be involved in the operation of an effective regional pollution control program. The commission

may purchase, take and hold for the state such materials, lands, easements and rights-of-way as may be required for the purposes of this chapter. If the commission is unable to purchase lands, easements or rights-of-way at what is deemed reasonable compensation, the commission shall request the governor and council to appoint a commission to assess the damages sustained by the owner, and thereupon proceedings shall be conducted in the same manner and in accordance with provisions of RSA 233.

149-G:6 Municipal Assessments.

I. The commission shall annually assess each municipality served by the regional sewage disposal facilities provided for by this chapter a sum sufficient to recover all costs incurred in treating, transporting and disposal of sewage, plus a charge for amortization charges thereon of all facilities amounting to five percent of the total amortization charges thereon.

II. The assessments provided for by paragraph I shall be allocated to the municipalities by taking into account the volume and strength of the industrial, domestic, commercial, and all other waste discharges treated and techniques of treatment required. The costs associated with transporting raw or treated sewage through each major interceptor from a municipality at which it is generated to the point of treatment or discharge shall be allocated to the muncipality which uses the interceptor on the basis of volume and distance traveled. In determining said annual assessment for each municipality, the commission shall abide by federal regulations which govern the allocation of costs and receipt of payments by industry for industrial discharges.

III. The municipality may recover charges assessed by means of user charges, connection fees, or such other techniques as may be utilized under state and local law, except that municipalities with industrial waste must abide by federal and state regulations which govern recovery of costs from said industries.

IV. All funds collected by the commission by virtue of the assessments authorized hereunder shall be paid to the state treasurer who shall keep the same in a special fund.

V. Any municipality aggrieved or dissatisfied with any annual assessment leveled against it under the provisions of this

section may file a motion for reconsideration by the commission and have a right of appeal from the decision of the commission in the same manner and as provided in RSA 149-E:4.

149-G:7 Advisory Board Established. There is hereby established a Winnipesaukee River advisory board consisting of one member, from each community, appointed by the board of selectmen of a town or the city council of a city involved. The term of office of each member shall be one year commencing July 1, 1972, and each member shall serve until his successor shall have been appointed. The advisory board shall annually elect a chairman by majority vote of its members, and the board shall meet at least quarterly upon the call of the chairman or at least three members of the board in order to consider matters properly coming before it for attention. The advisory board shall meet with the New Hampshire water supply and pollution control commission at suitable intervals in order to review matters of mutual concern. An annual budget shall be submitted to the advisory board by the New Hampshire water supply and pollution control commission, for review and comment, sixty days prior to the beginning of the new fiscal year. Members of the advisory board shall receive no per diem but shall be entitled to reimbursement for expenses including mileage when in the performance of duties required under this chapter. Each municipality shall provide funds necessary to reimburse its members to the advisory board.

149-G:8 Assistant Chief Engineer-Administrator. The executive director, subject to the approval of the commission, shall appoint an assistant chief engineer-administrator who shall hold office during good behavior and may be removed only for cause and after being given a copy of the charges against him and an opportunity to be heard publicly on such charges. He shall perform such duties as may be assigned to him by the executive director.

2 Capital Appropriation. There is hereby appropriated the sum of eight hundred thousand dollars for the following purposes:

I. Land Acquisition.

(a) Franklin area treatment plant site plus easement for 3.5 miles of interceptor (city budget estimate)	$50,000

(b) 5.2 miles of easement for Lake Winnisquam by-pass	50,000	
Sub-total		$100,000
II. A & E and related expenses for the following:		
(a) Upgrade of Laconia T.P. (b) Winnisquam by pass (c) Franklin interceptor (d) Franklin T.P.		$200,000
III. Construction First Year. Upgrade of Laconia T.P. (total state cost $855,000), purchase of all equipment, commence construction of new facilities, conversion and alteration of existing.		$500,000
Total		$800,000

In order to provide funds for said appropriation the state treasurer is authorized to issue bonds or notes in the amount of eight hundred thousand dollars in accordance with the provisions of RSA 6-A.

3 First Year Operating Appropriation. The water supply and pollution control commission is authorized to receive from the city of Laconia the sum of eighty-nine dollars. Upon the receipt of said payment from the city of Laconia said sum is appropriated to be expended, subject to statutory budgetary controls, by the commission for the employment of personnel, the purchase of equipment, payment of rent, travel and the payment of any interest due upon any bonds or notes issued pursuant to section 2 of this act.

4 Salary. Amend RSA 94:1-a (supp) as amended, by inserting in the proper alphabetical order the following:

Assistant chief engineer-administrator 21,000, 22,500.

5 Effective Date. This act shall take effect July 1, 1972.

Rep. Drake explained the committee amendment.

(discussion)

Rep. Drake yielded to Rep. Raymond for further explanation.

Rep. Wilkinson spoke in favor of the amendment.

(Speaker in the Chair)

Rep. Daniell moved that HB 50 be referred to Resources, Recreation and Development for interim study and report back to the next regular legislative session and spoke in favor of the motion.

Reps. Burleigh, French, Nighswander, Martineau, Mutzbauer, Belcourt, Huot, Raiche, Monier, Wiggins, LaMott and George Roberts spoke against the motion.

Reps. Gordon and Levy spoke in favor of the motion.

Rep. Mallat moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the negative, the motion failed.

Committee amendment adopted.

Ordered to third reading.

Rep. Maglaras wishes to be recorded as opposed to HB 50.

On motion of Rep. James O'Neil, the Rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

LATE SESSION

THIRD READING AND PASSAGE BY HOUSE

SB 13, permitting minors to receive certain medical treatment without parental consent.

Rep. James O'Neil, having voted with the majority, moved that the House reconsider its action whereby it passed SB 13 and spoke against the motion.

Motion lost.

SB 15, repealing the provisions for discretionary real estate licenses and providing for the examination of holders thereof.

RECONSIDERATION

Rep. Brummer, having voted with the majority, moved that the House reconsider its action whereby it passed SB 15 and spoke against the motion.

Motion lost.

HB 50, providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed.

RECONSIDERATION

Rep. James O'Neil, having voted with the majority, moved that the House reconsider its action whereby it passed HB 50 and spoke against the motion.

Motion lost.

The Speaker announced that Rep. Lamy and her husband are celebrating their 14th Wedding Anniversary.

On motion of Rep. Levy the House adjourned at 5:35 p.m.

Thursday, 2Mar72

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

SHALOM. We gratefully acknowledge, O Lord our God, that Thou art our Creator and Preserver, the Rock of our life and the Shield of our help. We render thanks unto Thee for our lives which are in Thy hand, for our souls which are ever in Thy keeping, for Thy wondrous providence and for Thy continuous goodness, which Thou bestowest upon us day by

day. Truly, Thy mercies never fail and Thy loving-kindness never ceases. Therefore in Thee, do we forever put our trust. Amen.

(A Purim Prayer)

PLEDGE OF ALLEGIANCE

Rep. Fellows led the Pledge of Allegiance

LEAVES OF ABSENCE

Reps. Levasseur and Fuller, the day, illness.

ENROLLED BILLS REPORT

HB 3, correcting certain errors in the acts relative to reapportionment of Keene representatives to the general court and delegates to the state convention.

HB 21, relative to the New Hampshire American Revolution Bicentennial Commission.

HB 54, authorizing an amendment of the Amherst-Milford authorized regional enrollment area plan in order to reduce the number of grades covered by the plan.

HB 69, amending the charter of the city of Rochester by redrawing the ward lines to provide for five wards, and providing for the election of city officials on the basis of five wards; and reapportioning the representative districts in said city.

Roxie A. Forbes
For The Subcommittee.

COMMITTEE REPORTS

HB 70

establishing a statewide system for financing the basic costs of primary and secondary education through creation of a school fund and provisions to generate revenue therefor. Ought to pass with amendment. Rep. McLane for Ways and Means.

A 4½% income tax with federal exemptions will provide $75,000,000 to go into a school fund with another 75 million dollars coming from a $17 per thousand dollar equalized as-

sessed valuation on *all* property other than houses of residence (up to $40,000 on five acres of land).
The school fund will pay each school district $735 for each pupil, kindergarten thru sixth grade, $845 for seventh and eighth grade pupils, $1050 for 9-12th grade pupils and $1575 for handicapped pupils.

Rep. Trowbridge explained the bill.

Rep. TROWBRIDGE: Mr. Speaker, I rise in support of the committee amendment that the bill, HB 70, ought to pass. Some explanation of this bill obviously is necessary because it is a radical departure from any other tax bill that we've seen before. One of the reasons for the difference is that, back last summer, I began talking with Rep. Menge about the problems of taxation, unfairness of unequal educational opportunity in this state and we began drafting this bill. I wish I had known that this special session would have come on us as fast as it has, and I apologize to this House, as much as I can, that we haven't had more time on this measure, but a fifteen day special session just does not afford you the time that one would like. Nevertheless, here we are today and in my discussions with you I found that the biggest problem so far, in talking about this bill, is to convince people that there is a possibility that you can save money for your constituents by making a new tax system in this state. Now, that's not your fault, because it is my job to convince you of that fact, and that's the purpose of HB 70. If you are going to save money for them, obviously, you save it from property tax, which by and large, is the only tax paid by residents of New Hampshire other than the interest and dividends tax. I don't think I have to go to a great long harangue today about the fact that the property tax varies greatly in this state, that the property tax available to be in Waterville Valley is ten times greater than that available in Greenville. I think we've all heard these statistics until we're a bit sick of them and, I'm not going to go into great deal on that subject. But, when you look at the property tax problem, you are unavoidably met with the fact that sixty to eighty percent of that problem is your cost of schools and local education. The cost of education in 1960 was fifty-three million, in 1969 it was ninety-nine million and in this year it's projected at one hundred and twenty-seven million dollars. That's an enormous rise. Every time a child comes into the school system, every time a family moves into

New Hampshire with four children, it's not a matter of choice on the part of the town as to whether they're going to educate that child, the state law and the constitution of the state says we must educate that child. And so, unlike other items in your budget, school costs become the biggest mandated cost ever imposed on the cities and towns. We have talked about mandates concerning water pollution and everything else, but the greatest mandate we impose is the cost of educating children. We have delegated this obligation to the school districts, but, in fact, it is the state's responsibility. Now, if school costs are assessed on the basis of property tax and the property tax is acknowledged to be terribly variable throughout the state, then, one realizes again very quickly, the ability of various school districts to raise money for the support of education must vary as well and I think we all know that in some communities they have to sacrifice, they have to pay a great deal more in property tax to maintain the same level of education as does a city or community which has more taxable property.

At that point in our discussion, of course, there came the court decisions from California, Minnesota, Texas and New Jersey which are really exposing the other side of the coin. They were saying it's not only unfair to the taxpayers who are having to sacrifice more of their dollars to maintain education, it's unfair to the children and to their constitutional right under the equal protection of the laws to have an adequate education. In order to exist in this society, to achieve the benefits of this society, education is absolutely necessary. And, so HB 70, comes to you with a twofold purpose, namely property tax relief for persons who are in the low or moderate income level who are now being overly taxed, and second, the necessity of providing equal educational opportunities. These are the two purposes, are easy to combine in one bill.

How then does one bill finance a system by which you could lower property taxes on those least able to pay and also provide an equal educational opportunity? To finance the cost of local education you must raise one hundred and fifty million dollars — that is what the projected total of what the state taxpayers will be paying for education in 1973. HB 70 creates a school fund which will collect income from two sources: one is a 4½% personal income tax with federal exemptions which is paid by the resident and he pays that because he can't pass his

tax on anyone else, he's the end of the line in the tax structure. And, the other source is the statewide property tax at seventeen dollars a thousand which is levied on all commercial property and non-residential property for school costs, and these two sources of income each raise approximately seventy-five million dollars each so that the school fund contains one hundred and fifty million. It would then be disbursed back to the school districts each year on the basis of $1050 for each high school student, $890 for each junior high, $735 for each kindergarten through sixth grade and $1575 for each handicapped child who needs special education, an item we've never funded before.

Now, I think some of you believe that I come from a gold-plated district, that there's nothing but dollar bills on the trees in Dublin, and, of course, it isn't true and Dublin is an average town in terms of the amount of the tax rate which goes for schools. I do have in my district the town of Sullivan, and I think the town of Sullivan is a great example of what is wrong with our present system. There is one family with considerable income, and while that family pays a high property tax, I would imagine it only comes maybe to one percent of the annual income of this family. Also, in Sullivan is the lady, who is now getting famous because I use her a lot as an example, but she's a real person. She's a widow who lives in the house where she was born, and that house has risen in value probably over the years. She never paid for it, she inherited it, and it's probably worth 30-35 thousand dollars now. She's living on an income of $2200 a year, and in Sullivan she is paying $750 in property tax. Now, that means she is being taxed at 33% of her income, whereas the other person who had the large income is paying maybe 1 or 2% of his income in property taxes. Such unfairness is terrible, in my estimation. So, I take a person in Sullivan, which is at 100% valuation, and I want to show what HB 70 does to an average person. If their income is $8000, and they're living in a $16,000 home, they now pay $480 a year in school taxes, which comes to 6% of their gross income. He has a wife and two children so he has four exemptions at $750 each, thus the $8000 comes down to $5000 of taxable income and that figure times 4.5% means that he would pay $245 in school costs for a saving of $135.

Now, that is a very average person, that is one of the people who we are working for. In Sullivan also, just to show you how

the bill works, the person who has a commercial property there would now pay $17 a thousand on the true value of his establishment. Let's say he's a gasoline station operator. He used to pay for school costs in Sullivan $29 a thousand so he has a reduction of $12 a thousand in his taxes and that's because the only thing they could tax in Sullivan was the gas station and a few other things; there are no other assets there.

We've been told, and I think you recognize the fact, that a great many of these places like Sullivan existing outside a city, or around a city. All the industry usually focuses in the city, but the people go and live in Sullivan and the more people who come in there the worse it gets because the school costs keep going up and the town is now in a downward cycle where now no one can afford to buy a house. So people are moving in with mobile homes and they, in turn, lower the tax base and down, and down, and down that town goes, in a never ending cycle.

Let's take an example of some people in the cities, let's take a Somersworth resident, for instance, who owns an $18,000 home and has an adjusted gross income of $9000. Their present property tax is $612, 61% of that is for school costs, so the person is paying $373.32 for school costs. Under our bill, this same person, having a $9000 income, with a wife and two children takes $3000 in exemptions so that he pays on $6000 at 4½%, or $270. Therefore he gets a net tax saving in Somersworth of $103.32. Now, for Dover, the same example ($18,000 home, $9000 income). The present school tax will be $486. Under our tax, he would pay $270 for the school tax at 4½%, for a net tax saving of $216.

People have asked about the renter, and I think we have explained this enough, and in case we haven't, I'll explain it again. Say, a person is renting and he pays $100 a month, $1200 a year. He will be allowed a credit against his income tax of 15% of that rent because we believe, and it can be proved, that on the average 15% of what he pays in rent is actually going to defray property taxes to schools which the landlord is passing on to the tenant. So, a person in this category would have $180 worth of rental credit (15% of 1200). If his income tax was higher than $180, he would deduct $180 and pay only the difference. If his income tax liability were less than $180, he would receive a check back from the state treasurer for the balance. In

this way we have taken care of all of the people who are home owners or renters. Now everybody's going to say this is a miracle, everybody saves. — That's not true, and I'm not trying to say that everybody saves, but there are some very interesting statistics that I've been given since I've gotten into this. I never knew, for instance, that 53% of the taxpayers of New Hampshire who filed federal tax returns, have an income of less than $5500. Those people earned 18% of the total income of the state. 47%, then, make up 82% of the income. Another statistic: 7% of the returns filed with the federal government, only 7% are over $15,000 and they make up 28% of all income. Another way of putting it is that the upper one-third of returns have two-thirds of the income and the bottom two-thirds of the returns have one-third of the income. In 1969, we had one person in New Hampshire who declared a taxable federal income of a million, eight hundred thousand dollars. How much did he pay in property tax as a percent of his income, I wonder. There are three with over $500,000, twenty-eight over $200,000. Now, you can see why it's unfair to them to tax them more, but in essence, those people already are in a very high federal tax bracket, and, hence, the state tax paid, being a deduction, the impact on them is still small when you consider their total tax picture.

Another question is how can you be sure of these revenue estimates? Well, the beauty of this, using a federal adjusted gross income as your base for taxation is that the federal tax tapes are available to New Hampshire and one can see exactly what is being filed right now by New Hampshire citizens. There's no way you can be off because they all have to file and they're all accounted for. Silas Weeks of the University went over these figures and we took off the cost of exemptions, took off the cost of all the deductions and credit that we'd given, we allowed about three million there for a possible wave of unemployment, if that were to occur. We also allowed for the amount of money that would be paid out to Massachusetts by New Hampshire citizens who work in Massachusetts as opposed to those in Massachusetts who work here and you can be terribly conservative in the figure of seventy-five million dollars from the 4½% income tax.

Secondly, we know now that there are six billion dollars, of taxable property in New Hampshire. If you multiplied that figure by $17 a thousand you come up with one hundred and

fifty million dollars, so that the amount of money, if you impose just a flat rate property tax would certainly raise the one hundred and fifty million dollars. We're saying that industry and non-exempt property is going to raise only half of that. We have been told that the commercial and non-residential property actually pays in 65% of the total property tax and home owners only pay 35%, but we did it at 50/50, so that chances are there's a tremendously conservative element in our estimates so that the school fund has great integrity. Since we impose a flat rate tax, with no deductions, there are no ways such as in business profits tax or others for people to move money around and somehow get out of it. There's no loophole in this tax.

This tax would go into effect January 1, 1973, and with the funds going back to the school districts for their fiscal year '73-'74, starting July 1 of '73. One point that has been made that some districts will be getting more than they raise now. The bill provides for this in a step-up provision. Let's say a school district at this point, is spending $500 per student whereas we, on the average give back $850 per student (if you average in the high school and junior high and elementary). Under the bill, that school district would be allowed to spend one-third of the difference between what they now are spending, $500 and $850 in the first year; they would get two-thirds of that difference in the second year; and the entire amount in the third year, so that you would not be force feeding money into the school districts, for those districts which historically spend more than $850 per pupil. They would be allowed to remain above that budget figure if they wanted to, but they would have to raise that extra money by themselves. Thereafter, once this fund is established, we have put in the bill an amendment that no school district can go above 10% over the state educational cost that we're sending back. In other words, if the figure is $1000 per student, (let's say, just to make it simple), no district can go $1100 per student, but those who are already above those averages are allowed to remain over them. There's a grandfather clause in it, you're not disrupting anything that's being done now, but in the future we feel that there will be a great limitation on the amount of money in competition for teachers and everything else, if you have a state ceiling of what you're going to be spending for schools. We think this is something that has to be done, otherwise school costs can rise as they

have been rising. I gave you those figures from fifty-three million to one hundred and twenty-seven million in twelve years. We can't afford that, and this is a way of limiting it.

The fund itself, of course, will rise in value. The property tax portion rises some eight to ten percent per year, the income tax grows at about 7% per year so that in years ahead the state treasurer instead is siphoning out $1050, 890 and 735, those figures will rise. He will calculate how much is in the fund, divide it by the number of students and if it comes out at a higher basis, that will become the basic educational cost which goes to each school district. So, the distribution will tend to rise with rising costs and numbers of students, so that we have provided for growth in the fund to take care of that.

In summary, there are a couple of things that have been confusing people and I just want to make one thing clear. This tax is not a tax on top of a tax. Some people have come up to me and said, "Rob, am I going to pay this school property tax in addition to every tax I'm paying now?" The answer is "No." This tax bill, HB 70, substitutes an income tax for what you are now paying for school costs through the property tax. If you've been paying $300 for school costs, now you will not pay that amount on the property tax. In place of that you will pay the 4½% of your income. It has got to be understood that everyone who is paying the 4½% income tax is exempted from that portion of his property tax which is for schools. One hundred and seventy of the two hundred and ten towns have over 60% of their budget for schools, so that in all those towns over 60% of your property tax will be eliminated and in seven out of the ten cities this is true as well. This bill really does bring back some sanity to the property tax position.

Another thing I'd like to do is to remind you not to talk about averages and not to talk about rich towns and poor towns. People will say that Dublin is a rich town. There are people in Dublin who are poor. I even think there's probably someone poor in Bow, although I don't think Dick Hanson would admit that. There are certain people in poor towns who are rich. We mustn't talk about averages, we're talking about people and we're taxing them on their particular circumstances. Thus, for over 50% of this state, we are reducing the amount of money your constituents are going to pay. I've got to convince you of that fact. As I said, 53% of this state filed income tax returns

with less than $5500 and at $5500 they'd probably be paying an income tax of $90 to $110 in income tax and being relieved of about $200 to $250 of property tax. So, those people are probably going to make $100 to $150 and that's like giving a guy a raise of $200.

Finally, I'd like to mention someone who asked me, because we haven't done as much on this as we should, what some of these communities would get if that tax were in effect. Last year is the year for which I have figures on the number of students. So, if this had been in effect last year, Berlin would have gotten $2,034,629; Concord would have gotten $4,325,000; Dover, $3,531,000; Hampton, $1,668,000; Hudson, $2,691,000; Keene, $3,676,000; Lebanon, $1,804,059; Manchester, 12,617,-098; Portsmouth, $4,886,396; Somersworth, $1,522,899 and on it goes. The entire school budgets are picked up. All I can do is appeal to you today, that this is an unusual kind of tax. When your people come to you and say, "I don't want a tax", I know what they're saying and you know what they're saying. They don't want an additional tax. We understand this, but this is not an additional tax, this is substituting for costs you are already spending right now. You are already educating your children. It is not going to Concord, it is not going to water pollution, it is not going for any other purpose than the purpose in this bill.

I believe, that win, lose or draw on this bill, we'll be out around talking to people, your people, saying this bill could have saved you money. I don't mean that in any way as a threat, I don't mean that at all, I just mean that this bill, when you get out and explain it to people gains support. What I would hope that this House would do today would be not to indefinitely postpone this bill. There's a technical reason why you shouldn't, perhaps the federal court case from the Epsom parents will come down here in July or something and we might have to do something in this biennium. The equal education opportunity problem has to be met, and you can no longer ignore it. Let's not postpone the bill, let's listen to it, let's say this is something that the state of New Hampshire has to face up to. I thank you for your attention. I'm going to say now I don't think it's right for me to answer questions for another half hour. I'd like to have the other side have their turn to present their case and their arguments. I will be back, if you want, for questions at any time after the debate has proceeded that far.

Rep. Lawton moved that HB 70 be indefinitely postponed and spoke in favor of the motion.

Rep. LAWTON: Mr. Speaker, the members are faced here today with the most important vote in this session. The members must decide today whether or not they are going to be hoodwinked by this arm-twisting administration into believing that this tax proposal will be a benefit to their constituents. The members must decide whether or not they are going to help the big spenders get their broad base foot in the door and lead New Hampshire down the road to fiscal ruination. The proponents of this bill know that a vast majority of the citizens of New Hampshire are opposed to any broad base tax, but now they have united the big spenders of both parties behind HB 70 and they are trying to rush it through this House before anyone knows what is going on. The liberal special interest groups, the welfare lobby, the education establishment, the radicals of every stripe and their supporters in the Peterson administration and the legislature have long been preparing the campaign for this power play. In the past they have tried to convince us that the people are demanding more services. Now that examples of horrendous waste in welfare, the University system and other state agencies under this administration have come to light, there has been a change in their tactics. Now the bleeding hearts are bleeding for the property taxpayer. The same people who go to town meetings and vote to appropriate money for any wild spending scheme which anyone can dream up are crying that we must have a broad base tax to reduce local property taxes. This same group has continually supported measures designed to cut the money available to the cities and towns. They took away local revenue from the stock in trade and machinery taxes promising that the business profits tax would help local communities. A few months later they reneged on these promises leaving the cities and towns high and dry. When the business profits tax deficit led to the fiscal problems which we faced in the 1971 session, the leadership made sure that they cut state aid to local communities as much as they possibly could. It was no secret that this was done deliberately in the hope that there would be a big jump in property taxes which they felt would help to bring the broad base tax.

In my opinion, our greatest problem in the schools of this state is that too much power is already centralized in the State

Board of Education. This group of insiders has been built and is maintained by straight political appointments. It is answerable to no one. It sets up rules and regulations to advance the interests of the group which it represents and all too often shows little or no concern for the school children of New Hampshire. HB 70 seeks to set up a gigantic slush fund to finance the schemes of the educators. Don't let anyone kid you. The so-called school fund in this bill has nothing to do with better education for our children. Its real purpose is to build a longer and richer gravy train for the education establishment. It is interesting to note that some of the same members who are now supporting HB 70 have had a great deal to say on other occasions in favor of home rule for our local communities.

If we pass this bill, it will inevitably lead to the loss of practically all of what is left of local control of education in New Hampshire. We all know that the one who pays the fiddler calls the tune. If we pass HB 70 all of our children will have to dance to any tune called by the State Board of Education and there will be nothing we can do about it. Like all new taxes proposed by the liberals in this country, the proponents of this bill are presenting it as a measure to soak the rich. Well, it won't soak the rich. It will squeeze the average working people who pay the lion's share of all taxes. It won't soak the rich because there just aren't enough of them to soak.

Remember that HB 70 is imposing a flat rate income tax. Families with income between $7,000 and $20,000, the average working people of New Hampshire, will pay at least $55 million in additional taxes. All we will get from the so-called rich is 13 million dollars. Make no mistake about it, this tax is just like any other broad base tax. The money comes out of the hide of the average taxpayer. The main gimmick being used to push this tax is an old cry used before in many other states — relief for the property taxpayer. Anyone who reads the Boston newspaper can testify that broad base taxes don't reduce property taxes, they simply add to the taxpayer's burden.

Here in New Hampshire, the citizens are also concerned about their property tax bills but the people of this state realize that the only way to prevent big increases every year is by practicing economy at the local level. In many of our cities and towns they are demanding an end to waste and the setting of sensible

priorities. As a result, the rate of increase in local taxation has been reduced and it can further be reduced if more towns will take similar action.

Now that the citizens are taking a closer look at school expenditures and beginning to insist upon getting their money's worth, the big spenders want to take this control out of their hands by passing HB 70. They are trying to tell us that spending more money will assure better education, but we know from experience that this simply is not true.

One thing which you won't hear much about from the proponents of this bill is the cost of collection. On page 28 it states that this income tax is to be administered by the Business Profits Tax Division, of all people, and that the Tax Commission is given a blank check to hire as many new employees as it wishes. In my view, it makes little sense to have the state set up a bigger bureaucracy to collect from the people in the towns and cities and then give some of it back to them. From the statements of its proponents, it appears that the state will grab off only a few million from the tremendous increase in this bill.

How then, you may ask, is Governor Peterson to finance the wild spending of his administration? How will he add the over 400 new employees which he has requested in his supplemental budget? How will he find more money for Dr. Bonner's public relations staff? How is this administration going to be able to continue to distribute the high-paying state jobs which his followers have come to expect if the state doesn't get any more millions due? One thing which you can be sure of is that the big spenders who are pushing this income tax now will be demanding a sales tax next year if they are able to pass this bill. If this doesn't work, the income tax will be raised and the promises made to the towns callously broken a few months from now, just as was done with the business profits tax.

Mr. Speaker, the members know that I am opposed to broad base taxation for New Hampshire because I believe that it is unnecessary and because our people cannot afford to pay higher taxes. I would oppose HB 70 if it were properly drawn and presented fairly on its merits. But I submit that even those members who favor a broad base tax should not vote for this one. This ill-conceived measure would set up a most unsound tax system in which additional millions of dollars extracted

from the taxpayers would leak out in all directions. It would be wonderful for political patronage but a disaster for the citizens of New Hampshire.

How can the House decide such an important issue when it has such a short time in which to consider it? How can any Representative tell his constituents that an emergency exists when the state has a five million dollar surplus? After hearing Chairman Mills, how can we rush into an expensive new scheme for financing education before we know what the Federal Government is going to do. We just can't do this to the people of New Hampshire. I hope that the members will join me in sending HB 70 down to the overwhelming defeat which it so richly deserves.

Reps. Raiche, O'Keefe, Altman and Nutt spoke against the motion.

Reps. Bridges, Sayer and Joseph Eaton spoke in favor of the motion.

Rep. BRIDGES: Mr. Speaker, members of the House, I rise in opposition to HB 70, and in favor of the motion to indefinitely postpone. The 1934, December issue of Yankee Magazine, published in Dublin, New Hampshire, carried an article, "New Hampshire Financially Speaking" by Albert Baker, where Mr. Baker said, "New Hampshire is headed for tax assessment of $60 a year on every thousand dollar taxable value of home, farm and factory property."

He further stated that the average rate for the state of New Hampshire is $31.70, this is in 1934. He continued saying that the property taxes in New Hampshire have already reached a level forcing more and more people to abandon their homes, farms, and factories. I might add that in 1934 our then Governor urged exploration of income and sales taxes. To those of you who remember our then Governor, it would be rather obvious that fathers and sons occasionally have differences.

Through the years, there has been a constant cry for income and sales taxes in New Hampshire. In 1937, the New Hampshire House of Representatives considered a 3% income tax against individuals with a $1200 single exemption and a $2000 married persons' exemption. In 1943, an income tax was considered. January 6, 1949, Governor Sherman Adams proposed an income

tax. Governor Adams stated, "government services have expanded."

June 22, 1949, Rep. Pickett of Keene stated, referring to the tax, the new tax proposal virtually is a must measure. In 1955, an income tax, and again in 1965 a proposal to establish a 2% income tax was introduced in the House. And I might add, in 1965, the then Speaker of the House, Walter Peterson, opposed this tax. In 1971, another income tax, and of course, here we are today in 1972.

Taxes, and the cry for income taxes and sales taxes, is hardly new. Perhaps, if we wanted a new approach we might omit the consideration of income and sales taxes and look elsewhere. Three years ago, a business profits tax was passed in the special session and at that time it was a remedy to all of the state's ills. Yet, today the same people are back now looking for a new tax, an income tax. In the 1970 campaign, the Republican Party platform pledged that there be no broad base tax. In the district that I represent my constituents overwhelmingly voted in opposition to a broad base tax, one year ago, in a poll that I conducted. Since that time, every piece of correspondence that I have received and every phone call relative to the tax situation, the people have been opposed to the tax.

The 60,000 residents of New Hampshire who have signed up as "Taxfighters" are opposed to an income tax. The people of New Hampshire do not want an income tax. It could be no more clearly said than to quote our sixteenth President when he said, "We are a government of the people, by the people and for the people." I suggest that here in New Hampshire, with the citizens' legislature, that today we will again represent the will of our constituents. I recognize the sincerity of Reps. Menge and Trowbridge and I urge them not to try the bill here in the House, but to bring it before the voters in the form of candidates' election promises and let the residents of New Hampshire say "Yes" or "No" by their vote. It's funny how times have changed, but a hundred years ago at the New Hampshire Constitutional Convention they approved an amendment stating that no money raised from taxation would be used in the support of schools and here, today, we are being asked to vote on the exact opposite. I oppose this bill and urge the support of the pending motion.

RECESS

AFTER RECESS

(Rep. Raiche in the Chair)

SENATE MESSAGE

CONCURRENCE

HB 35, permitting the town of Durham to change from a calendar year to a fiscal year accounting period, and providing for the dates and manner of collecting taxes in the transitional period.

Rep. Joseph Cote requested a quorum count.

259 members having answered, a quorum was present.

ENROLLED BILLS REPORT

HB 35, permitting the town of Durham to change from a calendar year to a fiscal year accounting period, and providing for the dates and manner of collecting taxes in the transitional period.

HB 15, legalizing certain town meetings in the towns of Auburn, Farmington and Newington and certain votes and proceedings of the planning board of the town of Newington.

SB 13, permitting minors to receive certain medical treatment without parental consent.

Roxie A. Forbes.
For The Subcommittee

COMMITTEE REPORTS CONTINUED

Question is on the motion to indefinitely postpone HB 70.

(discussion)

Reps. Hardy, Joseph Cote, Elmer Johnson and Bednar spoke in favor of the motion.

(Speaker in the Chair)

Reps. Wiggin, Richard Bradley, Andrews, Malcolm Stevenson, Brummer, Robinson, Metcalf, Davidson and Coutermarsh spoke in favor of the motion.

Rep. ROBINSON: Mr. Speaker, Members of the House, I rise in support of the motion to indefinitely postpone. I do this, unfortunately, I wish we could have sent this bill for further study. I think that there are parts of this concept that might be forced upon us by the Federal courts, and I would have preferred to see it in study. I mentioned this early this morning to people from the Governor's office, if they wanted to keep it alive, in case the Federal courts came in, but they said no that they would not. Now, I hear that because the count, the "No's" count, from the Governor's office isn't too good, they are thinking about taking a chance on sending it back. I think it's too late for that now. I think the feelings on this bill are pretty well hardened.

There are certain flaws in this bill that I haven't heard anyone speak of yet, but I would like to mention. The 10% increase in school spending that the town is limited to, only takes effect after the town has once received money from this bill. It does not affect the first year, so that areas like Hanover, Concord, Moultonborough, or other communities where their present cost per pupil is significantly above the state average are going to have to come up to that figure somehow. Granted, in the future, they will be limited to 10%, but they are not limited to 10% above the state average until after they receive the first payment on this bill.

Secondly, who is going to pay all of these taxes? One area that is going to pay, that hasn't been mentioned by anybody, are all the private institutions in the state of New Hampshire who now enjoy one kind or another of tax break. The local assessors are not going to be able to abate these taxes in the same manner that they presently are doing. Dartmouth College has got an awful lot of land holdings that they are going to pay taxes on. The college that I work for has got a lot of holdings that they are going to have to pay additional taxes on. The Christian Conference Center, which is not strictly a religious organization, pays

its taxes in the town of Pembroke, and is going to pay an additional $17 per thousand tax. I don't think that any of us would want to tax our private institutions, but no provision has been made to exempt them. The moneys that cannot be spent by a community under this bill are to be returned to the school fund, with no really clear definition of how they are to be redistributed. There is no definition in here on how you are going to tax certain types of unique businesses. A farm of, we'll say, fifteen acres; is that commercial or residential? It engages in business but the farmer lives in the farm house. I don't know whether he is exempt under the residential, or is he taxed under the commercial? If somebody has a beauty shop in their home, is this now no longer a residence? Is it now a business? Do they pay a double tax? I don't know what they pay. There is another clause in here that says eleven years from now they will readjust the property tax part, the industrial commercial property tax part, to keep it in alignment with the income tax. Now, does that imply that the income tax is going to carry the burden for eleven years and then they will adjust it, or does that mean that the industrial commercials are getting a break at this point, and are going to get caught up? I don't know what it means, but nobody has explained that.

One of the earlier speakers said there is a man in New Hampshire, one man who had an income of over a million dollars, that there are three men, if I heard him correctly, that have incomes greater than $500,000 and there were twenty-eight people with incomes in excess of $200,000. I guess the implication from that is that thirty-two people are going to pay all of our taxes under this bill.

Who isn't going to pay? The 'little guy' doesn't have to pay under this tax. This protects the 'little guy,' the renter, the young couple that just got married who pays according to the example used — $100 a month for rent, $1200 a year. He'll get $180 credit. Now, if the husband earns $110 a week, which is what the city of Manchester pays a starting policeman, fireman, sanitation worker, it's the average for a mill worker, factory man, truck driver — I call him a 'little guy,' and if his wife is working so that they can put some money away to buy a house and is working as a waitress or a secretary, she is probably making $75 or $80 a week. With the exemptions in this bill and the federal exemptions, and so on and so forth, he's going to pay a

tax in excess of $300 and get a rebate of $180. And we're doing him a favor?

What guarantees have we got under this bill that what we do here today has to carry forward into future sessions? I am sure that nobody in this House wanted to tax the working man's coffee break when the original rooms and meals tax was proposed; that was the reason for the exemption of $1.00. The next year we taxed his coffee break.

I am sure nobody in this House wanted to renege on the state's promise to give the 10% increase each year on the business profits tax, but we did renege on it.

Nobody here would ever want to steal money from the school tax fund, but the record in the past hardly breeds any confidence that this plan will work very long. Last week, there was an article quoting Governor Peterson in the Concord Monitor, that this would probably take care of the state's needs for two years. You're going to pass here a state-wide property tax, and a personal income tax. We already have a corporate business profits tax. If this is only going to hold us for two years, what's left? The only thing that's left is a sales tax which, incidentally, is hanging over our heads under reconsideration right now. Where is the state going to get any money? We would be forced into one of two decisions under this bill: Either to renege again and take money out of the school fund or come in with a sales tax in order to fund the state's programs. For those reasons, I support indefinite postponement.

Reps. Burleigh, Harvell, Daniell, Chaisson, Radway, Edward York, Zachos, Jameson, Levy, Menge and James O'Neil spoke against the motion.

Rep. LEVY: Thank you, Mr. Speaker. After yesterday's statement that it was late and I was going to stay here for a long time, today, it's late and I'm going to be here for a short time. I'm a little bit confused about what the previous speaker said, namely, that he would like to send HB 70 to a study committee. It seems speakers like to send certain bills to study committees. Yesterday he was here and he wouldn't support sending a $500,000,000 bill, HB 50, into a study committee. I am confused. As a freshman legislator I've had a lot of fun in this House, and I love this House. I love the ability to stand here and debate the issues — win, lose, or draw — and I think most of you people have

found that I can fight 'em to lose 'em and I can fight 'em to win 'em. I've been called a flimflam man by the Portsmouth Herald, probably I am. Today, I was called a flip-flop man, maybe I am; but none of these names really hurt me until today on this podium when I was a called a spender. That wounds me to the core because if there is anything to be accused of is that I have a reputation as a non-spender.

Let me say this about this tax bill. A week ago, just a week ago when I walked out of the Ways and Means Committee, I would have been on the other side of the fence. I considered the original Menge-Trowbridge Bill unacceptable to me. On Friday morning, when the Ways and Means Committee sat down to work and we went into that bill, we put some amendments in this bill that made quite a difference. It made enough difference for me to say that I would support this bill with those amendments because you now have, in my opinion, a model tax bill. I don't know of any place in the United States, where there is a tax bill that will do the job that HB 70 will do. I keep referring to it as a tax bill when it really isn't. It doesn't raise any extra money. It is really a tax reform measure. It imposes a personal income tax on home owners and sends back one hundred cents on the dollar. I don't know when we will ever get another chance to do that. I put two other amendments in the bill. I am not going into one of those amendments very seriously because I think Mr. Daniell did a good job in speaking for all of the officials of this state when he says unless this legislature does something constructive for a change and stops spending money, they are going to drive us, on a local level, right out of business.

I did get an amendment in this bill which, for the first time, puts reasonable control on school boards and their spending. It tuned the spending of school boards to an increase in the income tax from year to year or really to a cost of living increase. It still left in the bill the right of the local school board to go to the local people if they want to increase it more, but they would have to go to the local people and not the local government. The only other thing that's in this bill that I think is pertinent to bring out is this. I have heard comments that this bill could be raised from a 4½ to a 5½ to a 6½% income tax. There is in this bill a control which no one has recognized because I am a little bit devious some times. You'll never increase the 4½% personal income tax unless industry contributes along with us.

For every dollar we raise on an income tax, industry is going to have to match it dollar for dollar. And so, if you think that you can spend money freely with the 4½% income tax, remember you've got the great lobbyists out there in the hall — public service, the telephone company and the rest, who'll be out there to make sure you don't spend it too freely. I don't think what I have to say here today is going to change many minds. But I would like to say one other thing before I leave the podium. Some day, some time, this legislature is going to vote an income tax, and as a businessman, I am going to say this to you, when you see a bargain, grab it. This is probably the best bargain, the best income tax bill that will ever be offered the home owner in this state and the next one, believe me, when the administration has the votes, I guarantee, you won't receive one hundred cents on the dollar back to the home owner. Thank you.

Rep. MENGE: I've been threatened, too, today, that if I speak too long I might wear out my welcome; I might as well not come back to the House. After listening to all the speeches, it reminded me of Teddy Roosevelt, (I have told this story many times) who was out in the hustings, when someone in the back of the room yelled, "Tell them all you know, Teddy, it won't take very long." Teddy said, "I tell you what, I'll tell them what we both know, it won't take any longer." So I'll follow Teddy's example in summing up today. You know, too many speeches around, not only in public, but even on the floor of this Legislature are made not to inform, but to chloroform, and I think we are right now in the position where we aren't going to learn a great deal more by listening to a lot of statistics and figures from one John Alexander Menge, Democratic representative from Lyme.

However, I do want you to know that there is no underhandedness in this bill, this is not an administration bill. This is a legislative bill by two legislators, Rob Trowbridge and myself. I want you to know I opposed the business profits tax, I opposed the passage of the business profits tax, and I said that the taxpayer in New Hampshire would pay for the business profits tax out of the general fund, and he is paying for the business profits tax out of the general fund, now. I don't come before you asking that you impose an additional tax on the taxpayer of New Hampshire.

This tax, I might add, is actually going to reduce taxes paid out of income at the $5,000 level, at the $8,000 level, and at the $10,000 level. For example, at the present time on the average, an individual earning $5,000 with two children is paying 4.8% of his income in taxes. Under the Trowbridge-Menge bill, he would be paying 1.8% of his income. This is a tax reduction bill. Yes, someone's ox is going to get gored. Someone is always going to pay more and you can't escape that, but this is a tax that is based on the ability to pay. It's based upon 4.5% of your adjusted gross income, and it means those guys who in essence, have been getting a free ride for education are going to get a free ride no longer. I can't put it in any other way. I can't stand up here and say that I'm not going to tax wealthier individuals in this legislature and in this state, because actually I'm going to tax myself — and I don't consider myself to be all that wealthy. Nevertheless, I know that there are people in my community (I was on the school board for seven years) who actually had to move to mobile homes because we wanted to provide a satisfactory level of education in our community.

Now, let's look at just a few of the facts — some of the things that have been brought up by some of the previous speakers. I voted when I came to the legislature, for more aid to cities and towns. I voted to increase the business profits tax. I voted to increase it by more than it was increased, in fact, and to send all that money back to the cities and towns. I voted for Rob Trowbridge's highway tax bill and, in fact, I made the amendment in committee which originally assigned all of the revenue to the cities and towns. The state eventually got one-quarter of the total amount, so I'm not exactly for sending money back to the state. This is not a tax bill for the state — I don't know what Walter Peterson is going to do — that is his problem. I'm not the governor. I didn't call the special session. I'm going to work with the Governor. I think the Governor has come a long way and I think it took guts. I also think it took guts on the part of my own colleague, who is actually risking a great deal personally to come out in favor of this tax bill when he did, and that's Bob Raiche and I take my hat off to him. There will be no loss of local control over local education. If there's any loss of control over local education, it's going to be because of that legislated rate of increase that we are debating right now, the ten percent limitation, and I'm in favor of that. I think that school spending can be controlled, at least overall,

by this legislature and I think it should be. I think that many of the communities will welcome the state saying, "Look, you can't go up at any faster rate than that in the bill."

We have heard a lot about what this is going to do to open space and that we should wait for the Federal government to solve this and the rest of our problems as well. I wonder if Joe Eaton really means that. I wonder if Joe really wants us to wait until the Federal government can come in here and solve all of our problems. They haven't done a hell of a lot for us so far and I'm sure as hell not going to wait for them to do more. If these are our problems we're going to solve them, and we're going to solve them now — or we're going to solve them next year, and we'll be back next year to help solve them. This may not be the best tax law in the world, I don't say it is, but I think it's a lot like Winston Churchill said of democracy, this may not be the best political system in the world, but it's the best one I know of. It certainly is better than a three and three-quarter percent state tax on property which, at the present time, would impose a seven and a half percent income tax on an individual making $5,000 when under HB 70 he would be paying 1.8% of his income.

I'm not going to twist any arms. I can't and I don't know how but, I wish I did! Whose arm have I twisted? I am going to say that I want you to twist your own arm, you know that, and I think that is the best way to twist arms. You're going to have to decide that for yourself. But whatever happens, we're coming back with a bill, we are coming back because we believe that every kid in this state should be entitled to a satisfactory level of education. We also believe that everyone in this state should pay according to his ability to pay. All we are asking for now is that you vote against indefinite postponement, and then you can vote against the bill if you want to. But give us an opportunity to take this bill, not to a study committee, but rather give us the opportunity to take this bill before the citizens of the state without prejudice and see whether or not it will sail.

Rep. Maloomian moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Reddy requested the yeas and nays.

Sufficiently seconded.

(Rep. George Roberts in the Chair)

ROLL CALL

YEAS: 217 NAYS: 154

YEAS

Merrimack County:

Andrews, Hardy, Hanson, Enright, Riley, Gamache, Gordon, Bartlett, Avery, Perkins, Kopperl, Thompson, Doris L., Piper, Chapley, Mattice, Humphrey, James A., Howland, MacDonald, Wilson, Ralph W.

Rockingham County:

Fernald, Stimmell, Wilson, Helen F., Boucher, Soule, Adams, Gay, MacGregor, Senter, O'Neil, Robert E., Sayer, Smith, Philip A., White, Schwaner, Spollett, Cummings, Charles E., Benton, Greenwood, Goodrich, Vey, Sewall, Twardus, Scamman, Hamel, Cheney, George L., Langley, Hammond, Maynard, Quirk, Dame.

Strafford County:

Brown, Canney, Smith, Elmer C., Joncas, Maloomian, Habel, Chasse, Hebert, Boire, Dumais, Ineson, Carignan, Ruel, Beaudoin, Sylvain, Dunlap, Preston, Tripp, Peabody, Raymond B., Bernard, Webber, Young, Kinney, Parnagian, Richardson, Harriett W. B.

Sullivan County:

Gaffney, Rousseau, Spaulding, Roma A., Barrows, Burrows, D'Amante, Downing, Saggiotes, Edes, Wiggins.

Belknap County:

Lawton, Wilkinson, Mutzbauer, Hood, Prescott, Randlett, Maguire, Whittemore.

Carroll County:

Howard, Donalda K., Cox, Davis, Esther M., Lagroe, Hayes, Conley, Davis, Dorothy W., Webster.

Cheshire County:

Cournoyer, Forcier, McGinness, Johnson, Elmer L., Saunders, Moran.

COOS COUNTY:

Huggins, Metcalf, Bushey, Hunt, O'Hara, Dubey, Roy, Desilets, York, Elmer H., Brungot, McCuin, Oswell, Bouchard, Gagnon, Theriault, Kidder.

GRAFTON COUNTY:

Gardner, Van H., Rich, Stevenson, Malcolm J., Tilton, Higgins, Brummer, Chamberlin, Anderson, Gemmill, Foster, Tremblay, Krainak, Buckman, Sears, Bradley, Richard L., Mitchell.

HILLSBOROUGH COUNTY:

Humphrey, Howard S., Eaton, Joseph M., Withington, Monier, Sorenson, Karnis, Eaton, Clyde S., Heald, Philip C., Carter, Coburn, Ferguson, Bragdon. Belzil, Record, Belcourt, Trombley, Drabinowicz, Gardner, Cleon, J., Lachance, Chamard, O'Neil, Robert, Aubut, Boisvert, Wilfrid A., Davidson, Ouellette, Sirois, Bissonnette, Coutermarsh, Alukonis, Bednar, Keeney, Rodgers, Dwyer, Lyons, Bridges, Ainley, Lang, Ackerson, Barrett, Gerald J., Bourassa, Montplaisir, Murphy, Francis, Bruton, Cote, Joseph L., Dion, Duhaime, Armand L., Cullity, McDermott, Welch, John L., Manning, Barrett, William F., Clancy, Lynch, John T., McDonough, Boisvert, Emile E., Leclerc, Sysyn, Campono, Champagne, Chevrette, Derome, St. Onge, Robinson, Belanger, Lynch, Doris T., O'Connor, James P., Sweeney, Lamy, Murphy, Dennis J., Martineau, Lemire, Allard, Brunelle, Lambert, Lesmerises, Burke, Grady, O'Connor, Timothy K., Vachon.

NAYS

MERRIMACK COUNTY:

Sherman, Bigelow, Parker, Harry C., Reddy, Little, Burleigh, Daniell, Greeley, Michels, Cate, York, Edward H., Davis, Alice, Haller, McLane, Miner, Filides, Underwood, Glavin, Howard, C. Edwin, Woodward, Noble, Welch, Shirley B.

ROCKINGHAM COUNTY:

Griffin, Margaret A., Read, Lovell, Belair, Gelt, Morrison, Palmer, Collishaw, Eastman, Junkins, Page, Varrill, Fiske, Casassa, Cunningham, Leavitt, Greene, Lockhart, Weeks, Keefe,

McEachern, Chandler, Griffin, Ruth L., Connors, Chaisson, Jameson, Levy, Woods, O'Keefe, Croft.

STRAFFORD COUNTY:

McIntire, Beckett, Clark, Shirley M., Cochrane, Tirrell, Towle, Thompson, Barbara C., Balomenos, Blanchette, Leighton, Fellows, Cogswell, DeWolfe, Maglaras.

SULLIVAN COUNTY:

Townsend, Chase, Donald R., Tucker, Keating, Flint, Frizzell, Galbraith, Williamson.

BELKNAP COUNTY:

Davis, Guy N., French, Roberts, Charles B., Nighswander, Wuelper, Drouin, Huot, Head, Dulac.

CARROLL COUNTY:

Chase, Russell C., Claflin.

CHESHIRE COUNTY:

Churchill, Forbes, Trowbridge, Yardley, Allen, Bennett, Coughlin, Dunham, Hackler, O'Neil, James E., Mallat, Raymond, Vogel, Ames, Heald, Cleon E., Streeter, Shortlidge, Barker, Cummings, Richard E., Drew.

COOS COUNTY:

Cook, Mayhew, Drake, Lee, Burns, Oleson, Fortier, Studd, Richardson, Mabel L.

GRAFTON COUNTY:

McGee, LaMott, Mann, Ezra B., Menge, Bradley, David H., Nutt, Radway, Dow, Duhaime, Roger M., Dudley, Merrill, Altman, Blain, Bell.

HILLSBOROUGH COUNTY:

Knight, Poehlman, Colburn, Daloz, Mann, Arthur F., Murray, Warren, Spalding, Kenneth W., Hall, Bouchard, Maurice L., Cobleigh, Parker, Gerry F., Cote, Margaret S., Gabriel, Richardson, John W., Peabody, Arthur H., Harvell, VanLoan, Abbott, Daniels, Milne, Zachos, Spirou, Simard, Lemieux, Raiche.

PAIRS

Rep. Randall voting yes; Rep. Brocklebank voting no.

Rep. Healy voting yes; Rep. Nahil voting no.

Reps. Sawyer, Desmarais, Simard and Grandmaison wish to be recorded in favor of the motion.

Rep. Read voted against indefinite postponement because he wanted to make a motion for reference to an interim study committee.

Reps. Tarr and Palfrey wish to be recorded against the motion.

HB 70, indefinitely postponed.

SENATE MESSAGE

CONCURRENCE

HB 8, authorizing the department of education to apply and expend federal funds available for technician and vocational-technical training programs.

HB 19, authorizing Nathaniel Hawthorne College to grant baccalaureate degrees.

HB 14, relating to the exclusive civil jurisdiction in district courts.

HB 25, establishing procedure for authorizing action by the spouse or next of kin of prisoners of war or persons missing in action.

HB 34, permitting appeals from municipal and district courts in neglected children matters.

ENROLLED BILLS REPORT

HB 8, authorizing the department of education to apply for and expend federal funds available for technician and vocational-technical training programs.

HB 14, relating to the exclusive civil jurisdiction in district courts.

HB 19, authorizing Nathaniel Hawthorne College to grant baccalaureate degrees.

HB 25, establishing procedure for authorizing action by the spouse or next of kin of prisoners of war or persons missing in action.

HB 34, permitting appeals from municipal and district courts in neglected children matters.

Roxie A. Forbes
For The Committee

COMMITTEE REPORTS CONTINUED

HB 1

relative to property tax relief. Inexpedient to legislate; covered by pending legislation. Rep. Reddy for Ways and Means.

Resolution adopted.

Rep. George Roberts wishes to be recorded in favor of the committee report.

SENATE MESSAGES

NON-CONCURRENCE WITH HOUSE AMENDMENT

REQUEST FOR COMMITTEE OF CONFERENCE

SB 15, repealing the provisions for discretionary real estate licenses.

The President appointed Sens. Tufts and Leonard.

Rep. Shirley Clark moved that the House accede to the request for a committee of conference.

Adopted.

The Speaker appointed Reps. Shirley Clark, Maurice Bouchard and Raiche.

CONCURRENCE HB WITH AMENDMENT

HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible.

(See Senate Journal 2Mar72 for amendment)

Rep. Dunham moved that the House non-concur and set up a committee of conference.

Adopted.

The Speaker appointed Reps. James O'Neil, Dunham and O'Keefe.

The Speaker announced that today is the birthday of Rep.

Lawton, and the 37th Wedding Anniversary of Rep. Dorothy and Mr. Davis.

On motion of Rep. Joseph Cote the House adjourned at 5:01 p.m. to meet Thursday next at 11:00 a.m.

Thursday, 9Mar72

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

O GOD, by whose hand all living things were made, and by whose blessing they are nourished and sustained, we give You hearty thanks for all the bounties of Your providence, wherewith You have enriched our lives. Mindful of Your concern for Your creation; we pray for our nation, our President, and all our leaders; for our Granite State, our Governor, and all communities represented in this assembly — that justice and decency, consideration for the needs and rights of others may grow stronger in us all — we pray for those who serve in the armed forces, that they may be guided and guarded to do the right in our imperfect world. Grant to each of us today such insight and wisdom to be good stewards of all Your precious gifts. Amen.

PLEDGE OF ALLEGIANCE

Rep. Warren led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Galbraith, Downing, Schwaner and Lamy, the day, illness.

Reps. Noble and Gaffney, the day, illness in family.

Rep. Levasseur, indefinite, illness.

SUPREME COURT DECISION ON HB 52

To the House of Representatives:

The undersigned justices of the supreme court give the following answers to the questions contained in your resolution of February 23, 1972 and filed here the next day.

House Bill 52 which is the subject of your inquiry would authorize the city of Dover through its industrial park authority to acquire, develop and operate industrial parks, construct, lease and sell industrial facilities and aid in the construction and expansion of industrial facilities in much the same way as the State authority has been authorized to do under RSA Ch. 162-A (supp.), RSA Ch. 162-D (supp.), and RSA Ch. 162-E (supp.).

The declaration of need and purpose of the bill is essentially the same as that contained in RSA Ch. 162-E:1 (supp.). The bill provides that the authority shall not embark upon any of the projects authorized in the bill unless the city council after notice and hearing shall have made essentially the findings which the Governor and Council must make under RSA Ch. 162-D:5 (supp.) and RSA Ch. 162-E:7 (supp.) before the State authority may act. Your first question is whether the findings required by sections 5 and 14 of the bill may be made by the city council of Dover instead of a State agency or by State officials. Our answer to this question is "yes". If the findings are made by a responsible body on proper documentation and information as provided by the bill it matters not whether that body is municipal rather than state.

Questions 2, 3, 4, and 5 inquire whether certain provisions of the bill would be unconstitutional on the ground that they would authorize the expenditure of public funds for other than a public purpose, or give money or credit for the benefit of any corporation having for its object a dividend of profit. The answer to these four questions is "no".

We have already given our opinion that RSA Ch. 162-D (supp.), and RSA Ch. 162-E (supp.) are constitutional. *Opinion of the Justices,* 111 N.H. , 278 A.2d 357 (June 11, 1971). The reasons there referred to are equally applicable to the proposed legislation here under consideration and we respectfully refer to that opinion and cases cited therein.

We emphasize however the importance of valid findings by the city council under sections 5 and 14 of the bill that the project will serve a public purpose and not be primarily for the benefit of private persons or uses and is within the policy of and

the authority conferred by the proposed act. *Opinion of the Justices,* 106 N.H. 180, 207 A.2d 574 (1965); *Opinion of the Justices,* 106 N.H. 237, 209 A.2d 474 (1965).

In question number 6 you ask if the proposed act is a law changing the charter or form of government of the city of Dover. Our answer is "no". New Hampshire constitution, article 39, provides that "No law changing the charter or form of government of a particular city or town shall be enacted by the legislature except to become effective upon the approval of the voters of such city or town upon a referendum to be provided for in said law".

Although the bill applies to the city of Dover and is not a "general law" applicable to other municipalities *Opinion of* upon a particular city to be exercised under its existing form of *the Justices,* 109 N.H. 396, 254 A.2d 273 (1969), it nevertheless does not purport to "change the charter or form of government" of that city. It would simply permit the city, under its existing charter and form of government, to do the things allowed by the bill. We are of the opinion that New Hampshire constitution, part 1, article 39, was intended to prevent the form of government as provided by a charter from being altered by the legislature without a referendum of the people affected, and not to prevent the legislature from conferring additional powers government. *See* Report of the Fifteenth Constitutional Convention Committee to Study the State Constitution 24; Voter's Guide to Proposed Amendments to the Constitution, November 8, 1966, Election Question 3.

The seventh question asks if the proposed legislation is otherwise constitutional on its face. As we have stated on prior occasions we "cannot predict every issue" that may be raised in an adversary setting if this bill should become law. Our answer to your question is "yes". See *Opinion of the Justices,* 111 N.H. , 278 A.2d 357, 361 (1971).

Frank R. Kenison
Laurence I. Duncan
Edward J. Lampron
William A. Grimes
Robert F. Griffith

March 3, 1972.

COMMITTEE REPORTS

SB 5

relating to the Lafayette Regional and Lisbon Regional School Districts. Ought to pass. Rep. Abbott for Education.

Ordered to third reading.

SB 7

providing that associate justices of the superior court, justices of the district court, probate judges, or masters, in addition to judicial referees, may sit as chairmen of panels to hear professional malpractice claims. Ought to pass. Rep. Drabinowicz for Judiciary.

Ordered to third reading.

SB 18

establishing a comittee to study the question of recall of public officials by the electorate. Ought to pass. Rep. Lynch for Judiciary.

Ordered to third reading.

SB 23

requiring that a capias may be served by police officers. Refer to Judicial Council. Rep. Frizzell for Judiciary.

Resolution adopted.

SB 20

to license private detectives and private detective agencies. Ought to pass. Rep. MacDonald for Statutory Revision.

Ordered to third reading.

UNANIMOUS CONSENT

Reps. Williamson, George Roberts and Altman addressed the House by unanimous consent.

Rep. Claflin moved that the remarks of Reps. Williamson and George Roberts be printed in the Journal.

Adopted.

Rep. WILLIAMSON: Last week some of us had a hard decision to make on a tax vote. Representing one town or one ward can simplify such a decision — especially if there is a com-

munality of interest or of communication sources. Conversely it sometimes takes real "guts" to vote against the prevailing wind.

I represent five towns — with a 28-mile drive needed to reach the town farthest from my home. In fact, last Tuesday it took me forty minutes to get to the Town Meeting farthest away. To contact my constituency I have to use four dailies (Keene, Concord, Claremont and Springfield, Vt. plus *Union Leader,* four weeklies and three radio stations). Three towns are very poor, one is average and one is quite wealthy.

Had the income tax vote started with my county, I would have voted against it — along the pattern of my sputtering. During the fifteen minutes of roll call before my name came up, I kept reviewing my position. At moment of decision I grudgingly voted to keep the bill alive — tho unamended, I could not have supported final passage. Afterwards I heard tell about my vote — how the governor had "reached me," how I had sold out. I resent those intimations — and I do not believe my record over the years gives them any validity.

In five terms, I have been asked just before a vote to discuss a bill with the Governor exactly twice. Once in my first term, I refused to talk with Gov. Powell. Last spring I did talk with Gov. Peterson just before the tax bill — and I told him why I would not support his position. I also spoke against the bill on the floor. During this Special Session I have not talked with the Governor. Our difference of approaches on state parks and on environmental questions in the past year or so has not led to very warm relationships either.

Yes, I switched position during the Roll Call because I could not help but think of one of my towns paying 38% of its budget for schools while another was paying 80%. I thought of my own two-town cooperative paying 68% — and this without providing any kindergarten, any special classes or any transportation for kids to high school. But most of all I kept reviewing the reasons I had been giving for my opposition — and they just seemed a bit too petty on which to put myself on record.

Frankly, I was annoyed at the pace of this Special Session and how the tax question has been handled. I wanted to know more about the Menge-Trowbridge approach — but how does one learn things while attending to one's own committee work?

During Wednesday's explanation of the bill one key environmental bill was before our Committee. Thursday during the first 3½ hours of floor debate the Governor's environmental protection bill was being heard by joint committees. Frankly, action in these areas is probably more needed now than tax reform — for each month finds hundreds of acres of land disappearing into parking lots, industrial parks or second homes.

I think my speaking now is not so much because my own motives or integrity have been questioned as because I believe someone in this session should speak out against the procedures of the past month which find major bills being handled (I can't use the word "considered") with too little thought, too little preparation, too little discussion and with too many major issues being weighed at once.

I resented two weeks ago having to make a decision in committee on the $50,000,000 regional sewerage project only thirty minutes after three hours of testimony. I resent the lack of opportunity to hear testimony of tax approaches or suggested reforms, not because hearings weren't being held but because of committee conflicts and because of constantly shifting bills during these hearings. I resent being labeled anti-state employee because of unexpectedly-produced amendments and seeming degrees of headline-hunting. I resent apparent inflexibility on administration-backed bills and some insistence on their way above all else. I resent the timing in which bills opposed by the leadership seem to land at the end of a long day — or get shunted from day to day before getting action. I resent seeing speakers on the administration side landing at the end of the list on some bills, so that they can counteract proponent arguments without rebuttal. I resent seeing close to 140 bills being jammed thru in this amount of time. I resent the implication that only a few know enough to make decisions. And I resent newspapers that suggest these bills are all simple "black & white" issues.

That resentment nearly left me voting negatively last week — out of sheer annoyance with a system and a leadership attitude which put me and many others in an impossible and irresponsible situation. The fifteen minutes before the Roll Call got to me found me simmering down a bit and saying "there is a concept in this bill which needs further exploring, even if the bill is not ready to pass. You owe it to the state and your constituents not to kill it before hearing all amendments."

Now that my resentment has dissipated a bit, I might add that I love and respect a system that allows me to publicly express that resentment — and, if elected again, will allow me to work to correct some of the listed problems. Mr. Speaker, I will not stand in your way if you wish to speak out in common consent and explaining why I have misconstrued what has been happening and how it has been happening according to your perspective.

Rep. ROBERTS offered the following resolutions, which was presented to him at the Gilmanton school district meeting on March 6:

RESOLUTIONS

Whereas, the present Gilmanton Elementary School building was built during the period 1965/1966 with anticipation that New Hampshire School Building Aid funds, sufficient in amount to meet 30% of the annual obligation for payment of principal on bonded indebtedness would be provided by the State of New Hampshire pursuant to the provisions of Sections 15-A and 15-B, Chapter 198, New Hampshire Revised Statutes Annotated, and,

Whereas, such funds have been received by the Gilmanton School District in the amount of $4500.00 per annum for the years 1967 through 1970, and,

Whereas, the New Hampshire State Legislature has provided payment of only $2,477.83 or 55.6% of the amount due for this purpose for the year 1971, and,

Whereas, we do recognize that Section 15-E, Chapter 198, N.H. RSA does provide for a pro-rata distribution of available funds when inadequate funds are provided, and,

Whereas, when adequate funds are available to meet the subject School Building Aid obligation of the State of New Hampshire the only recourse available to the citizens of Gilmanton to meet the obligation of the Gilmanton School District is an unwarranted addition to the local property tax burden, and,

Whereas, if public school construction is to be advanced in the State of New Hampshire the integrity of funding for obligations of the state pursuant to the provisions of the New Hampshire School Building Aid Program must be inviolate, and,

Whereas, it is a primary purpose of this Gilmanton Elementary School to teach its students the fundamental principle

of adherence to obligations, contractual or implied, now therefore be it

Resolved, that we, the citizens of the Gilmanton School District, at School District assembled, the *6th day of March, 1972,* do direct that our Representative to the Great and General Court of the State of New Hampshire, Representative George B. Roberts, Jr., advise the members of that august body of our displeasure and great concern as to the serious question of the lack of adequate funding, and be it further

Resolved, that Representative Roberts also advise the General Court that it is our opinion that school construction programs, such as School Building Aid, provided for under the provisions of Sections 15-A and 15-B, Chapter 198, N.H. RSA, must be considered to be firm, contractual obligations of the State of New Hampshire, for which adequate funding is mandatory, thereby precluding the need of deficit funding by the local property tax.

Copy of Resolution offered by W. A. Emond.

Approved unanimously at the Gilmanton School District Meeting March 6, 1972.

Howard B. Osler, Moderator.

COMMITTEE REPORTS CONTINUED

SB 10

redistricting certain state senatorial districts. Ought to pass. Rep. Russell Chase for Reapportionment.

Rep. Raiche moved that SB 10 be recommitted to the Committee on Reapportionment, and spoke in favor of the motion.

Rep. Russell Chase spoke against the motion.

(discussion)

Reps. James O'Neil, George Roberts, and Zachos spoke against the motion.

Reps. Coutermarsh, Joseph Cote, Vachon and Spirou spoke in favor of the motion.

Rep. Dion moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested. 111 members having voted in the affirmative and 171 in the negative, motion failed.

Rep. Raiche requested the yeas and nays on ordering SB 10 to third reading.

ROLL CALL

YEAS 181 NAYS 140

YEAS

HILLSBOROUGH COUNTY:

Eaton, Joseph M., Knight, Colburn, Daloz, Mann, Arthur F., Karnis, Eaton, Clyde S., Heald, Philip, C., Warren, Carter, Coburn, Ferguson, Bragdon, Spalding, Kenneth W., Hall, Bouchard, Maurice L., Ouellette, Sirois, Harvell, Van Loan, Abbott, Ainley, Daniels, Lang, Zachos, Bourassa, Murphy, Francis, Sysyn.

MERRIMACK COUNTY:

Hanson, Little, Bartlett, Avery, Kopperl, Burleigh, Greeley, Mattice, Humphrey James S., Michels, Cate, Davis, Alice, Cheney, Charles H., McLane, Miner, Filides, Underwood, MacDonald, Wilson, Ralph W., Fuller, Glavin, Howard, C. Edwin, Welch, Shirley B.

ROCKINGHAM COUNTY:

Fernald, Stimmell, Wilson, Helen F., Soule, Read, Senter, Lovell, Gelt, Morrison, White, Palmer, Spollett, Cummings, Charles E., Goodrich, Vey, Scamman, Collishaw, Eastman, Junkins, Page, Varrill, Hamel, Randall, Cheney, George L., Casassa, Cunningham, Leavitt, Greene, Hammond, Lockhart, Weeks, Chandler, Griffin, Ruth L., Dame, Palfrey, Jameson, Levy.

STRAFFORD COUNTY:

Brown, Canney, Clark, Shirley M., Cochrane, Tirrell, Maloomian, Towle, Thompson, Barbara C., Dunlap, Preston, Balomenos, Tripp, Leighton, Peabody, Raymond B., Fellows, Cogswell, Young, Kinney.

SULLIVAN COUNTY:

Townsend, Chase, Donald R., Tucker, Keating, Spaulding, Roma A., Frizzell, Wiggins, Williamson.

BELKNAP COUNTY:

Davis, Guy N., Roberts, Charles B., Wilkinson, Nigh-

swander, Wuelper, Roberts, George B., Mutzbauer, Hood, Head, Prescott, Dulac, Randlett, Maguire, Whittemore.

CARROLL COUNTY:

Howard, Donalda K., Cox, Davis, Esther M., Hayes, Conley, Chase, Russell C., Claflin.

CHESHIRE COUNTY:

Johnson, Edward A., Churchill, Trowbridge, Yardley, Allen, Bennett, Dunham, Hackler, O'Neil, James E., Raymond, Vogel, Ames, Heald, Cleon E., Streeter, Moran, Barker, Cummings, Richard E., Drew.

COOS COUNTY:

Cook, Huggins, Metcalf, Hunt, Drake, Lee, Burns, McCuin, Richardson, Mabel L.

GRAFTON COUNTY:

Gardner, Van H., Tilton, Higgins, Chamberlin, Mann, Ezra B., Menge, Bradley, David H., Nutt, Gemmill, Dow, Foster, Dudley, Merrill, Altman, Blain, Krainak, Bell, Bradley, Richard L., Mitchell.

Rep. Monier wished to be recorded in favor of the motion.

NAYS

HILLSBOROUGH COUNTY:

Humphrey, Howard S., Withington, Poehlman, Murray, Brocklebank, Belzil, Belcourt, Trombley, Drabinowicz, Gardner, Cleon J., Lachance, Chamard, Cote, Margaret S., O'Neil, Robert, Aubut, Boisvert, Wilfrid A., Bissonnette, Coutermarsh, Gabriel, Alukonis, Keeney, Rodgers, Richardson, John W., Peabody, Arthur H., Dwyer, Lyons, Ackerson, Montplaisir, Bruton, Cote, Joseph L., Dion, Duhaime, Armand L., Cullity, McDermott, Welch, John L., Manning, Spirou, Barrett, William F., Clancy, Healy, Lynch, John T., Leclerc, Campono, Champagne, Chevrette, Derome, Lemieux, Raiche, St. Onge, Robinson, Belanger, Lynch, Doris T., O'Connor, James P., Murphy, Dennis J., Martineau, Allard, Brunelle, Lambert, Burke, O'Connor, Timothy K., Vachon.

MERRIMACK COUNTY:

Sherman, Hardy, Parker, Harry C., Reddy, Enright, Riley, Gamache, Perkins, Thompson, Doris L., Daniell, Piper, York, Edward H., Tarr.

ROCKINGHAM COUNTY:

Boucher, Adams, Gay, MacGregor, Smith, Philip A., Sewall, Twardus, Fiske, Keefe, Maynard, McEachern, Quirk, Connors, Chaisson, Woods, O'Keefe, Croft.

STRAFFORD COUNTY:

McIntire, Joncas, Habel, Chasse, Hebert, Boire, Ineson, Ruel, Beaudoin, Sylvain, Blanchette, Bernard, Richardson, Harriett W. B.

SULLIVAN COUNTY:

Rousseau, Barrows, Burrows, D'Amante, Saggiotes.

BELKNAP COUNTY:

Lawton, Drouin, Huot.

CARROLL COUNTY:

Webster.

CHESHIRE COUNTY:

Ballam, Forbes, Cournoyer, Forcier, Shortlidge.

COOS COUNTY:

Bushey, Mayhew, O'Hara, Oleson, Dubey, Fortier, Roy, Desilets, Studd, York, Elmer H., Brungot, Bouchard, Gagnon, Theriault.

GRAFTON COUNTY:

Stevenson, Malcolm J., McGee, Brummer, Duhaime, Roger M., Tremblay, Buckman, Sears.

Rep. Webber wished to be recorded against the motion.

Rep. Greenwood abstained from voting under Rule 16.

SB 10 ordered to third reading.

VACATED

Rep. Hamel moved that the order whereby SB 4, increasing fees that ski tow operators pay, be vacated from Transportation and Municipal and County Government Committees individually and be referred to Transportation and Municipal and County Government jointly.

Adopted.

On motion of Rep. James O'Neil the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of

bills be by title only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

LATE SESSION

THIRD READINGS AND PASSAGE BY HOUSE

SB 5, relating to the Lafayette Regional and Lisbon Regional School Districts.

SB 7, providing that associate justices of the superior court, justices of the district court, probate judges, or masters, in addition to judicial referees, may sit as chairmen of panels to hear professional malpractice claims.

SB 18, establishing a committee to study the question of recall of public officials by the electorate.

SB 10, redistricting certain state senatorial districts.

RECONSIDERATION

Rep. Zachos moved Reconsideration of SB 10.

Motion lost.

RECONSIDERATION

Rep. Drake moved that the House reconsider its action in ordering SB 20, to license private detectives and private detective agencies, to third reading and that it be placed back on second reading and referred to Appropriations.

Adopted.

The Speaker announced that today is the 86th birthday of Rep. Mitchell, and the birthday of Rep. Bednar.

Rep. and Mrs. Lambert celebrated their 48th Wedding Anniversary last Friday.

On motion of Rep. Sears the House adjourned at 12:59 p.m.

Tuesday, 14Mar72

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. William L. Shafer.

ETERNAL GOD, our Heavenly Father, whose kindnesses no one can number, and whose love is beyond all measurement, we bring our thanksgiving to Thee. For the renewal of life; for this new day with its opportunity to walk with Thee and to serve our fellow man; for all things true, pure, good, just and lovely, for all these we thank Thee, Lord. For our families and our friends, for our country and our freedom, for our work and for our leisure, we thank Thee, Lord. For the stimulus of faith, for the power of concern, and for the blessing of truth, we thank Thee, Lord. Above all, for the example of Jesus Christ, who, in this Holy Season, brought forth new solutions to old problems, we thank Thee, O God. May we demonstrate our gratitude by our attitude toward Thee and towards friends and enemies alike, meeting every person and every situation with something of the grace and graciousness of Jesus Christ our Lord. Amen.

Inasmuch as this is the anniversary of the birth of Pres. Andrew Jackson, and inasmuch as both General Jackson and Rep. Benton's regiment, the 7th Infantry "Cottonbalers" fought at the battle of New Orleans in 1815; therefore it is appropriate that Rep. Benton should lead the Pledge of Allegiance to the Flag.

PLEDGE OF ALLEGIANCE

Rep. Benton led the Pledge of Allegiance.

LEAVES OF ABSENCE

Rep. Maynard, the day, to attend a funeral.

Reps. Bridges and Theriault, the day, important business.

Rep. Guy Davis, today and tomorrow, important business.

Reps. Casassa and Morrison, remainder of the Session, important business.

Rep. Galbraith, the day, illness.

SENATE MESSAGE

CONCURRENCE

HB 72, providing that each lobsterman fly his own distinctive colors or paint them on both port and starboard bow.

HB 12, relative to insurance on state owned pressure vessels.

HB 39, relative to landlord and tenant rights.

HB 65, requiring filing of social security numbers with department of probation.

HB 77, relative to the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature.

HB 73, requiring positive action by the New Hampshire Port Authority to pre-empt the authority of towns or cities over ports, harbors or navigable tide rivers.

HJR 4, authorizing the register of deeds of Strafford County to deliver some of the old record books into the custody of the Woodman Institute for display purposes.

ENROLLED BILLS REPORT

HB 12, relative to insurance on state owned pressure vessels.

HB 72, providing that each lobsterman fly his own distinctive colors or paint them on both port and starboard bow.

SB 5, relating to the Lafayette Regional and Lisbon Regional School Districts.

SB 7, providing that associate justices of the superior court, justices of the district court, probate judges, or masters, in addition to judicial referees, may sit as chairmen of panels to hear professional malpractice claims.

SB 10, redistricting certain state senatorial districts.

SB 18, establishing a committee to study the question of recall of public officials by the electorate.

HB 39, relative to landlord and tenant rights.

HB 65, requiring filing of social security numbers with department of probation.

HB 73, requiring positive action by the New Hampshire Port Authority to pre-empt the authority of towns or cities over ports, harbors or navigable tide rivers.

HB 77, relative to the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature.

HJR 4, authorizing the register of deeds of Strafford County to deliver some of the old record books into the custody of the Woodman Institute for display purposes.

Roxie A. Forbes
For The Committee

SENATE MESSAGES

NONCONCURRENCE

HB 38, amending the Lebanon city charter to provide that the mayor shall make all appointments other than certain exceptions subject to the approval of the council.

ACCEDED REQUEST

COMMITTEE OF CONFERENCE

HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible.

The President appointed Sens. Jacobson and Leonard.

CONCURRENCE HB WITH AMENDMENT

HB 45, authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved.

(See Senate Journal 9Mar72 for amendment)

Rep. Hayes moved that the House concur with the Senate amendment.

Adopted.

CONCURRENCE HB WITH AMENDMENT

HB 6, increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds.

Rep. Drake moved that the House nonconcur with the Senate amendment and that a committee of conference be set up.

Adopted.

The Speaker appointed Reps. Claflin, Drake and Oleson.

CONCURRENCE HB WITH AMENDMENT

HB 10, state aid for sewage disposal facilities.

Rep. Claflin moved that the House concur with the Senate amendment.

Rep. James O'Neil moved that the Senate Message be laid on the table.

Adopted.

CONCURRENCE HJR WITH AMENDMENT

HJR 3, to authorize Portsmouth and Dover to verify their checklists in 1972 rather than 1973.

(See Senate Journal 9Mar72 for amendment)

Rep. MacDonald moved that the House concur with the Senate amendment.

Rep. MacDonald explained the amendment.

(discussion)

Adopted.

Rep. Alice Davis wishes to be recorded as voting no on HJR 3.

CONCURRENCE HB WITH AMENDMENT

HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases.

(See Senate Journal 10Mar72 for amendment)

Rep. Robinson moved that the House concur with the Senate amendment.

Rep. Robinson explained the amendment.

Adopted.

VACATED

Rep. Varrill moved that the order whereby SCR 1, memorializing the President regarding the treatment of Jews in the Soviet Union, was referred to the Committee on Claims, Military and Veterans Affairs, be vacated and referred to the Committee on Constitutional Revision.

Adopted.

SUSPENSION OF RULES

Reps. James O'Neil and Raiche moved that the Rules of the House be so far suspended as to allow the calendar for Wednesday, March 15, to be taken up today. Adopted by the necessary 2/3.

COMMITTEE REPORTS

SB 8

to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor. Laid on the table because not funded. Rep. Drake for Appropriations.

Resolution adopted.

SB 14

making an appropriation from the Nesmith Trust Fund and changing the annual appropriation therefrom. Ought to pass. Rep. Drake for Appropriations.

Ordered to third reading.

SB 1

establishing an environmental protection division in the office of the attorney general and making an appropriation therefor. Recommended with amendment but to be laid on the table because not funded. Rep. Drake for Appropriations.

Resolution adopted.

SJR 1

establishing an interim committee to study the role of the judiciary relative to the concept of the separation of powers. Ought to pass. Rep. Russell Chase for Constitutional Revision.

Ordered to third reading.

SB 16

relative to the administration of the revenue laws. Ought

to pass with amendment. Rep. Shirley Clark for Executive Departments and Administration.

AMENDMENT

Amend section fifteen of the bill by striking out the same and inserting in place thereof the following:

15 Deletion of Reference to Tax Commission. Amend RSA 112:2 by striking out the same and inserting in place thereof the following:

112:2 Acting Heads of Departments. In case the head of any state department or institution, or a member of any state agency, board or commission, except a per diem or not compensated member, has entered or is ordered into or enlists in the armed forces of the United States, in connection with the strengthening of the national defense in the present emergency, the Governor, with the approval of the Council, may appoint an acting head or member who shall have all the powers, perform all the duties and assume all the responsibilities of the person for whom he is acting, except that the supreme court may appoint any such acting members of the board of taxation.

Amendment adopted.

Referred to Appropriations.

SB 22

relating to legislative ethics. Inexpedient to legislate. Rep. Palmer for Judiciary.

Resolution adopted.

SB 11

relative to appointment of student ballot inspectors. Refer to Election Laws Committee for further study. Rep. Burleigh for Statutory Revision.

The committee felt this is a good bill but needs some revision.

Resolution adopted.

SB 12

permitting the industrial development authority to exceed its bonding limit if found necessary by the governor and council to protect the interest of the state in any project. Ought to pass. Rep. Hamel for Transportation.

Will allow the Industrial Development Authority additional bonding limits to protect previous commitments it has made. May be done ONLY with approval of Governor and Council.

Referred to Appropriations.

SB 3

establishing an interim legislative committee to investigate and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution. Ought to pass. Rep. Balomenos for Ways and Means.

Rep. Robinson offered an amendment.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Committee Established. There is hereby established a committee to investigate, study and make recommendations as to a method or methods for financing public education having in mind the possibility that through judicial determination the current method of financing may be found to violate the equal protection requirements of the constitution. The committee shall consist of eleven members: seven shall be members of the house appointed by the speaker, four shall be members of the senate, appointed by the president. The committee shall elect a chairman, vice chairman and clerk from its members. The committee is authorized to hold public hearings in the course of their investigation, and to receive such testimony and information as they see fit. They shall receive legislative mileage when engaged in committee business. They shall report their findings and recommendations to the president of the senate and the speaker of the house not later than December 15, 1972.

Rep. Robinson explained the amendment.

(discussion)

Amendment adopted.

Ordered to third reading.

SB 25

to provide penalties for violation of the disclosure of in-

formation laws relating to horse and greyhound racing, and to amend the provisions relating to disclosure of information. Ought to pass. Rep. Balomenos for Ways and Means.

Ordered to third reading.

SB 20

to license private detectives and private detective agencies. Ought to pass. Rep. Drake for Appropriations.

(discussion)

Ordered to third reading.

SB 21

relative to the age of majority. Ought to pass with amendment. Rep. Nighswander for Judiciary.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 General Court Agreement. Whereas, the legislature is in agreement with the general proposition and recognizes the validity of lowering the age of majority from twenty-one years to eighteen years; and whereas, the legislature further recognizes the extensive impact such a change would have on the various laws, rules, regulations and statutes of the state of New Hampshire; and whereas, there is insufficient time presently available to identify and draft all of the legislation necessary to make such a change and to make a responsible assessment of the impact of such a change; therefore, the committee established by 1971, chapter 234 shall continue its study and make a report with recommendations to the next regular session the general court on the legislation necessary to make such a change.

2 Effective Date. This act shall take effect sixty days after its passage.

(discussion)

Reps. Coutermarsh, Monier, Robinson, Menge and D'Amante spoke against the amendment.

Adopted.

Rep. Joseph Cote requested the yeas and nays but not sufficiently seconded.

Reps. Zachos and Webster spoke in favor of the amendment.

Rep. Maloomian moved the previous question.

Sufficiently seconded.

Rep. James O'Neil requested a division.

It being manifestly in the affirmative, the committee amendment adopted.

Ordered to third reading.

Reps. Gerry Parker and O'Keefe wish to be recorded against the amendment.

Rep. James O'Neil moved that the Senate Message on HB 10 be removed from the table.

Adopted.

SENATE MESSAGE

CONCURRENCE HB WITH AMENDMENT

HB 10, state aid for sewage disposal facilities.

(See Senate Journal 9Mar72 for amendment)

Rep. Claflin moved that the House concur with the Senate amendment.

Adopted.

On motion of Reps. Geo. Roberts and Raiche the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time.

THIRD READING AND FINAL PASSAGE BY HOUSE

SB 14, making an appropriation from the Nesmith Trust Fund and changing the annual appropriation therefrom.

SJR 1, establishing an interim committee to study the role of the judiciary relative to the concept of the separation of powers.

SB 3, establishing an interim legislative committee to in-

vestigate and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution.

SB 25, to provide penalties for violation of the disclosure of information laws relating to horse and greyhound racing, and to amend the provisions relative to disclosure of information.

SB 20, to license private detectives and private detective agencies.

SB 21, relative to the age of majority.

RECONSIDERATION

Rep. MacDonald moved reconsideration of SB 20.

Reconsideration lost.

RECONSIDERATION

Rep. Zachos moved reconsideration of SB 21.

Reconsideration lost.

RECESS

AFTER RECESS

SENATE MESSAGE

ACCEDED REQUEST FOR COMMITTEE OF CONFERENCE

HB 6, eliminating the inclusion of interest charges in the limits on state guarantees of municipal sewage bonds.

The President appointed Sens. Stephen Smith and Leonard.

SUSPENSION OF RULES

Reps. George Roberts and Dion moved that the Rules of the House be so far suspended as to allow the introduction of committee reports without two days' notice in the Calendar.

Adopted by the necessary 2/3.

COMMITTEE REPORTS CONTINUED

SB 19

relative to sale of liquor at golf clubs, indoor tennis clubs, racquet clubs and nonprofit clubs. Ought to pass. Rep. Collishaw for Liquor Laws.

Rep. Collishaw explained the bill.

Ordered to third reading.

SB 24

relative to solid waste disposal. Ought to pass with amendment. Rep. Greene for Environmental Quality and Agriculture.

Rep. James O'Neil moved that SB 24 be laid on the table.

Adopted.

SB 4

increasing fees that ski tow operators pay. Ought to pass. Reps. Hamel and Hanson for Joint Committee on Transportation and Municipal and County Government.

Increases operators fees for first time since 1957. Covers the expenses of operation only.

Ordered to third reading.

SENATE MESSAGE

CONCURRENCE HB WITH AMENDMENT

HB 49, making appropriations for capital improvements and amending the 1969 capital budget.

Rep. Trowbridge moved that the House nonconcur and that a committee of conference be set up.

Adopted.

The Speaker appointed Reps. Trowbridge, Weeks and Fortier.

Rep. James O'Neil moved that SB 24 be removed from the table.

Adopted.

SB 24, relative to solid waste disposal.

Question on the adoption of the committee amendment.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Private Disposal Site. Amend RSA 147:30-a (supp) as inserted by 1965, 201:3, as amended, by striking out said section and inserting in place thereof the following: 147:30-a Definition. The term "private disposal site" means any site, location, tract of land, area, building, structure or premises owned and maintained by a person, company, corporation or interest which is used or intended to be used for the depositing or disposing by burying, incinerating or other means of garbage, manure, putrescible material or refuse, as defined in RSA 147:24.

2 Exemptions. Amend RSA 147:30-d (supp) as inserted by 1965, 201:3, as amended, by striking out said section and inserting in place thereof the following:

147:30-d Exemptions. Nothing in this subdivision shall be construed to prohibit the maintenance of a dump site located on a person's own property:

I. Used for the express purpose of depositing garbage and refuse from his own residence, or

II. To individuals hauling or storing animal or poultry manure for use as a fertilizer, or

III. As a private disposal site if it is approved pursuant to the provisions of RSA 147:25.

3 Effective Date. This act shall take effect sixty days after its passage.

Rep. Greene explained the amendment.

Amendment adopted.

Ordered to third reading.

SENATE MESSAGES

CONCURRENCE HB WITH AMENDMENT

HB 41, relative to voter registration by town and city clerks.

Rep. MacDonald moved that the House nonconcur and that a committee of conference be set up.

Adopted.

The Speaker appointed Reps. MacDonald, Tucker and Keefe.

CONCURRENCE HB WITH AMENDMENT

HB 46, establishing a line item budget for the city of Manchester.

(See Senate Journal 14Mar72 for amendment)

Rep. Vachon moved to dispense with the reading of the amendment.

Adopted.

Rep. Robinson explained the amendment.

Rep. Vachon moved that the House concur with the Senate amendment.

Rep. Martineau spoke against the motion.

Rep. Robinson spoke in favor of the motion.

On a vv the Speaker was in doubt and requested a division.

It being manifestly in the affirmative the House concurred in the Senate amendment.

ACCEDED TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 41, relative to voter registration by town and city clerks.

The President appointed Sens. Ferdinando and Leonard.

NONCONCURRENCE AND REQUEST FOR COMMITTEE OF CONFERENCE

SB 24, relative to solid waste disposal.

Rep. Greene moved that the House accede in the request for a committee of conference.

Adopted.

The Speaker appointed Reps. Greene, Brown and Ruel.

ACCEDED TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 49, making appropriations for capital improvements and amending the 1969 capital budget.

The President appointed Sens. Townsend and Lamontagne.

CONCURRENCE

HB 37, providing workmen's compensation coverage for all volunteer or auxiliary members of fire or police departments, whether paid or not paid.

HB 50, providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed.

HB 56, relative to the procedure to be followed by medical referees.

On motion of Rep. Trowbridge the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and further that when the House adjourns today, it be to meet tomorrow at 11:00 o'clock.

LATE SESSION

THIRD READINGS AND PASSAGE BY HOUSE

SB 19, relative to sale of liquor at golf clubs, indoor tennis clubs, racquet clubs and nonprofit clubs.

SB 24, relative to solid waste disposal.

SB 4, increasing fees that ski tow operators pay.

On motion of Rep. Arthur Mann the House adjourned at 3:54 o'clock.

Wednesday, 15Mar72

The House met at 11 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain Rev. William L. Shafer.

"Teach us, O GOD, to number our days, that we may apply our hearts unto wisdom. . . . O satisfy us early with thy mercy, that we may rejoice and be glad all our days. . . . Let the beauty of the Lord our God be upon us; and establish the work of our hands upon us; yea, the work of our hand establish thou it."

O GOD, Author of the Book of Nature, Determiner of the destinies of men, Revealer of thyself through the life and mission of Jesus Christ, help us with open minds and sensitive hearts and obedient wills to know thee and love thee and serve thee. Inspire our minds to receive knowledge through the joy of learning. Grant us courage and wisdom in our search for truth. Enable us to gain such strength and wholeness of life, which comes from our faith and devotion to the cause of responsible freedom and stewardship, that we may honor and serve Thee. Amen.

PLEDGE OF ALLEGIANCE

Rep. Merrill led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Karnis, Keating, Hood, Junkins, Varrill, Vey, George Cheney, Wilkinson, and Doris Lynch, the day, storm.

Rep. Randall, the day, illness.

Rep. Galbraith, today and tomorrow, illness.

SENATE MESSAGES

NONCONCURRENCE AND REQUEST FOR COMMITTEE OF CONFERENCE

SB 21, relative to the age of majority.

The President appointed Sens. Porter, Leonard and Nixon.

On motion of Rep Zachos, the House acceded to the request.

The Speaker appointed Reps. Zachos, David Bradley, Frizzell, Riley, Healy.

CONCURRENCE SB WITH AMENDMENT

SB 3, establishing an interim legislative committee to investigate and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution.

CONCURRENCE

HB 4, relative to public outdoor entertainment.

HB 55, exempting the real and personal property of the Nashua Historical Society from taxation and repealing the limitation on the amount of property said society may hold.

HB 66, providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor.

(Speaker in the Chair)

CONCURRENCE HB WITH AMENDMENT

HB 43, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, and non-academic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof.

Rep. Drake moved that the House nonconcur and that a committee of conference be set up.

Adopted by the necessary 2/3.

The Speaker appointed Reps. Drake, Weeks, Raymond, McGinness and Belcourt.

PERSONAL PRIVILEGE

Rep. Daniell rose on a point of personal privilege.

Rep. Gordon requested a quorum count.

203 members having answered, a quorum was declared present.

Rep. Gordon challenged the accuracy of the count.

197 members having answered, a quorum was not present.

Rep. Arthur Mann challenged the accuracy of the count.

203 members having answered, a quorum was declared present.

SUSPENSION OF RULES

Reps. James O'Neil and Raiche moved that the rules of the House be so far suspended as to allow the introduction of committee reports without two days' notice in the Calendar.

Adopted by the necessary 2/3.

COMMITTEE REPORTS

SB 12

permitting the industrial development authority to exceed its bonding limit if found necessary by the governor and council to protect the interest of the state in any project. Ought to pass. Rep. Drake for Appropriations.

Rep. Joseph Cote requested the yeas and nays.

Sufficiently seconded.

Rep. Cote withdrew his request for the yeas and nays.

Rep. Gordon requested a division.

196 members voted in the affirmative and 9 in the negative.

SB 12 ordered to third reading by the necesary 2/3.

SUSPENSION OF RULES

Rep. James O'Neil moved that the rules of the House be

so far suspended as to place SB 12 on third reading and final passage by title only at the present time.

Adopted by the necessary 2/3.

THIRD READINGS AND PASSAGE BY HOUSE

SB 12, permitting the industrial development authority to exceed its bonding limit if found necessary by the governor and council to protect the interest of the state in any project.

RECONSIDERATION

Rep. Hamel moved reconsideration on SB 12.

Reconsideration lost.

ENROLLED BILLS COMMITTEE REPORT

HB 45, authorizing payment of relocation assistance in eminent domain takings in which federal funds are involved and relative to New Hampshire Distributing Agency. Ought to pass with amendment. Rep. Forbes for Enrolled Bills.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved, providing for regulations relative to the distribution and receipt of surplus commodities, and establishing a committee to study improvement in the commodity food distribution program.

Amendment adopted by the necessary 2/3.

Report adopted.

SENATE MESSAGE

CONCURRENCE HB WITH AMENDMENT

HB 68, relative to permitted earnings for retired teachers and state employees.

AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act

relative to permitted earnings for retired teachers and state employees and qualifying the commissioner of safety as a policeman member of the New Hampshire retirement system, and providing relief to any employee or teacher from the effect of the wage freeze.

Amend said bill by striking out sections two and three and inserting in place thereof the following:

2 Commissioner of Safety. Amend RSA 100-A:1, VII (supp) as inserted by 1967, 134:1 by inserting in line three after the word "rank" the words (commissioner of safety (providing he was a group II member of the New Hampshire retirement system at the time of his appointment)) so that said paragraph as amended shall read as follows: VII. "Permanent policeman" shall mean any person, male or female, who is a chief, deputy chief, marshal, deputy marshal, colonel, major, captain, lieutenant, sergeant, officer of other rank, commissioner of safety (providing he was a group II member of the New Hampshire retirement system at the time of his appointment), inspector, chief clerk, clerk, radio dispatcher, radio engineer or operator, patrolman, trooper, detective, investigator, mechanic, electrician, laboratory worker or other technical expert regularly employed on full time duty by a police department or police force of the state, or of any county, city, town, village or precinct in the state. In all cases of doubt the board of trustees shall determine whether any person is a permanent policeman as defined herein.

3 Employee or Teacher Additional Benefits. Notwithstanding any other provision of law, the board of trustees of the New Hampshire Retirement System may permit any employee or teacher who retires between August 1, 1971, and August 1, 1976, and who was prohibited from receiving increased annual earnable compensation as a result of the implementation of the federal freeze on salaries effective August 15, 1971, to pay all employee contributions that would have been paid on the increased annual earnable compensation. Such payment must be remitted to the New Hampshire Retirement System in lump sum within thirty days prior to the effective date of retirement. The employer and state will be required to pay, within a reasonable time, all employer assessments that would

have been paid had the increased annual compensation been permitted at the time granted.

4 Effective Date. This act shall take effect upon its passage.

Rep. Shirley Clark moved that the House concur with the Senate amendment and spoke in favor of the motion.

Adopted by the necessary 2/3.

Reps. Richard Bradley and Greene offered the following Resolutions:

RESOLUTIONS

Whereas, the paper manufacturing industry of New Hampshire, particularly in the town of Lincoln, is seriously threatened by the problem of meeting pure water standards as imposed by state law, and

Whereas, the paper industry is the only market for large quantities of New Hampshire forest products, which products are the largest renewable resources in New Hampshire and the entire northeast, and

Whereas, the paper industry is the only industry which pays in these areas a year-round living wage for a large number of workers, and

Whereas, paper is a necessary product on which the entire nation depends and it is necessary for the continuance of our society over the entire country which makes the problem of pollution by paper manufacturers one to which the entire nation contributes and a problem which should be considered and dealt with at the national level, and

Whereas, the closing of paper manufacturers in the state of New Hampshire would result in loss of employment and loss of market for raw forest products but would require that the production lost in New Hampshire would be absorbed by additional production in other areas of the country thereby increasing problem of pollution in such other areas, and

Whereas, pollution of all our waterways, streams, rivers and oceans must eventually be eliminated,

Now, *Therefore Be It Resolved*

That the House of Representatives of the General Court of the State of New Hampshire respectfully request and urge its congressional delegation to introduce legislation in the federal congress recognizing paper manufacturing pollution as a national problem and its abatement as a responsibility of the federal government, and providing that such abatement be financed by a use tax on all paper products and on any imported pulp or paper. Said tax to be used exclusively for the funding of paper mill waste pollution abatement and the research and administration of such a program.

Be It Further Resolved, that a copy of these resolutions be mailed immediately by the speaker of the house to Senator Thomas J. McIntyre, Senator Norris Cotton, Congressman Louis C. Wyman and Congressman James C. Cleveland.

(discussion)

Reps. Richard Bradley, James O'Neil, Fortier, Mayhew, Oleson, Greene, Trowbridge, Coutermarsh and Benton spoke in favor of the resolution.

Rep. Esther Davis moved the previous question.

Sufficiently seconded.

Adopted by the necessary 2/3.

Resolution unanimously adopted.

Rep. Keeney abstained from voting under Rule 16.

RECESS

AFTER RECESS

ENROLLED BILLS REPORT

HB 10, state aid for sewage disposal facilities.

SB 4, increasing fees that ski tow operators pay.

SB 19, relative to sale of liquor at golf clubs, indoor tennis clubs, racquet clubs and nonprofit clubs.

SB 14, making an appropriation from the Nesmith Trust Fund and changing the annual appropriation therefrom.

SB 25, to provide penalties for violation of the disclosure

of information laws relating to horse and greyhound racing, and to amend the provisions relating to disclosure of information.

HJR 3, to authorize certain cities to verify their checklists in 1972 rather than in 1973.

SJR 1, establishing an interim committee to study the role of the judiciary relative to the concept of the separation of powers.

SB 20, to license private detectives and private detective agencies.

Roxie A. Forbes
For The Committee

SENATE MESSAGES
ACCEDED REQUEST
COMMITTEE OF CONFERENCE

HB 43, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973 and making other budgetary changes.

The President appointed Sens. Stephen Smith, Roger Smith and Spanos.

ENROLLED BILLS
COMMITTEE REPORTS

HB 46, establishing a line item budget for the city of Manchester and providing a four year term for the finance officer for the city of Manchester. Ought to pass with amendment. Rep. Forbes for the Committee.

AMENDMENT

Amend section 3 of the bill by striking out the first two lines and inserting in place thereof the following:

3 Funds. Amend 1915, 302 by inserting after section 4 the following new section: Sect. 4-a. Department heads with the approval of the finance committee of the mayor and aldermen may make transfers from one item

Amend section 7 of the bill by striking out the first five lines and inserting in place thereof the following:

7 Referendum. The provisions of this act shall not take effect unless it is adopted by a majority vote at a special election held in the city of Manchester on November 7, 1972 as hereinafter provided. The clerk then in office shall print a special ballot to be used at said special election containing the following question. "Shall the provisions of an act entitled

Explanation of Enrolled Bills Amendment

Section 3 as it appears in the bill does not tie these provisions into the Manchester charter. The amendment simply ties it into the Manchester Charter.

Section 7 provided for the question to be printed on the ballot used at the biennial election in 1972. The amendment changes it to provide for a special election in Manchester and the printing of a separate ballot which is necessary because Manchester would not have an election in November of 1972 unless specifically provided for herein.

Amendment adopted.

HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases. Ought to pass with amendment. Rep. Forbes for the Committee.

AMENDMENT

Amend section 2 of the bill by striking out the first four lines and inserting in place thereof the following:

2 Referendum. The provisions of this act shall not take effect unless it is adopted by a majority vote at a special election held in the city of Manchester on November 7, 1972 as hereinafter provided. The city clerk then in office shall print a special ballot to be used at said special election containing the following question.

Explanation of Enrolled Bills Amendment

Section 2 provided for the question to be printed on the ballot used at the biennial election in 1972. The amendment changes it to provide for a special election in Manchester and the printing of a separate ballot which is necessary because Manchester would not have an election in November of 1972 unless specifically provided for herein.

Amendment adopted.

SENATE MESSAGES
CONCURRENCE HB WITH AMENDMENT

HB 74, relative to flammable fabrics.

(See Senate Journal 15Mar72 for amendment)

Rep. Merrill moved to dispense with the reading of the amendment.

Adopted.

Rep. Merrill explained the amendment.

Rep. Merrill moved the House concur with the Senate amendment.

Adopted.

DISCHARGE COMMITTEE OF CONFERENCE
NEW COMMITTEE APPOINTED

HB 41, relative to voter registration by town and city clerks.

Rep. MacDonald moved that the Committee of Conference be discharged and a new committee be appointed.

Rep. MacDonald spoke in favor of the motion.

(discussion)

Adopted by the necessary 2/3.

The Speaker appointed Reps. Roma Spaulding, Helen Wilson and Edes.

CONCURRENCE HB WITH AMENDMENT

HB 57, relative to voter registration residency requirement.

Rep. McLane moved that the House nonconcur and set up a committee of conference.

The Speaker appointed Reps. McLane, Tucker, and Altman.

CONCURRENCE HB WITH AMENDMENT

HB 7, authorizing state agencies to maintain certain records to qualify for federal funding.

(See Senate Journal 15Mar72 for amendment)

Rep. Merrill moved to dispense with the reading of the amendment.

Adopted.

Rep. Merrill explained the amendment.

Rep. Merrill moved the House concur with the Senate amendment.

Adopted.

ENROLLED BILLS REPORT

HB 4, relative to public outdoor entertainment.

HB 37, providing workmen's compensation coverage for all volunteer or auxiliary members of fire or police departments, whether paid or not paid.

HB 55, exempting the real and personal property of the Nashua Historical Society from taxation and repealing the limitation on the amount of property said society may hold.

HB 56, relative to the procedure to be followed by medical referees.

HB 66, providing for capital improvements by providing for construction of a state liquor store on the Central New Hampshire Turnpike at the Hooksett toll station and making an appropriation therefor.

HB 68, relative to permitted earnings for retired teachers and state employees and qualifying the commissioner of safety as a policeman member of the New Hampshire retirement system, and providing relief to any employee or teacher from the effect of the wage freeze.

SB 3, establishing an interim legislative committee to investigate and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution.

SB 12, permitting the industrial development authority to

exceed its bonding limit if found necessary by the governor and council to protect the interest of the state in any project.

HB 50, providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed.

Roxie A. Forbes
For The Committee

Rep. Belzil moved that the House instruct the House conferees to delete Section 75 from HB 43 making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, and non-academic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof and spoke in favor of the motion.

Rep. Richard Bradley spoke in favor of the motion.

(George Roberts in Chair)

Rep. Cobleigh spoke against the motion.

(discussion)

Reps. Raiche, James O'Neil and Coutermarsh spoke against the motion.

On a vv, the motion failed.

(Speaker in Chair)

Rep. Sweeney requested a Division.

It being manifestly in the negative, the motion failed.

SENATE MESSAGE
CONCURRENCE HB WITH AMENDMENT

HB 71, relative to the acquisition and disposal of industrial facilities.

(See Senate Journal 14Mar72 for Amendment)

Rep. Hanson moved that the House concur with the Senate amendment.

Rep. Hanson explained the amendment.

Adopted.

Rep. MacDonald moved that the House reconsider its action in nonconcurring on HB 57, relative to voter registration residency requirement, and its request for a Committee of Conference.

Adopted.

Rep. MacDonald moved concurrence in the amendment sent down from the Honorable Senate.

Adopted.

UNANIMOUS CONSENT

Rep. Merrill addressed the House by unanimous consent.

Mr. Speaker: I greatly regret coming up here at this time and talking about this because the budget has already gone into a Committee of Conference and there is nothing actually that I believe more in than protection of the environment and planning, but under section 3 of the budget, I find a figure of $145,000 that I have never seen before. This figure has come in from the Senate. There is no bill to accompany it. There is no program, no legislation. I have no idea of what this $145,000 is to be spent for.

We are told that it is for regional planning. We are told that if it isn't in here that perhaps we don't get all kinds of grants. I did go to a hearing on a senate bill early in the session — SB 5, which was the legislation to go with this money. It was a very bad bill, as a matter of fact, it was so bad that they amended the bill. They even amended the title, they even amended the sponsor. It turned out to be a bill on education when we got finished. The bill was especially bad for my area. It would have done away with the Upper Valley Planning and Development Commission. It would have done away with the interstate compact; it would have done away with the Dresden school district. It would have done away with a lot of things. We were told after that hearing that it would be amended, and I have been waiting patiently to see the bill come from the Senate that amends this, and that tells us what this planning is

all about. I haven't seen it. There is no bill, there is no program, there is no budget. I would hope that our conferees for the Committee of Conference would very seriously ask where this $145,000 has come from, where did we find it? Are we taking it from the School Buiding Aid once again and where is it going? If it goes back to the regional directors, do they have instructions as to what they are to do with it? Is there a program for them? They tell me there isn't; I've talked to many of them.

I think its a very serious question and I don't think I like sitting in this House for ninety days to start with, and another fifteen days, to find something like this in a Committee of Conference report that has never been inside this House. I think it's an insult to the members of this House.

Rep. Joseph Cote moved that the House instruct the Committee of Conference to give a detailed breakdown on the $145,000 planning appropriation.

Rep. Scamman spoke in favor of the motion.

Rep. Robinson spoke against the motion.

Rep. Joseph Cote withdrew his motion.

Rep. Robinson moved that the House advise the committee of conference members to report no later than the close of business on Thursday, March 16 or any day before the committee of conference report comes back to the House, the exact nature of the planning budget, and in any case before the committee of conference report is brought to a vote.

Adopted.

ENROLLED BILLS REPORT

HB 74, relative to flammable fabrics.

Roxie A. Forbes
For The Committee

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred House Bill No. 6. An Act increasing the total aggregate sum allowed on

state guarantees of municipal sewage bonds and authorizing the town of Lincoln to issue emergency notes, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur in the adoption of the Senate amendment, and

That the House and Senate each pass the bill as amended by the Senate.

Stephen W. Smith
Harry V. Spanos
Conferees on the Part of the Senate
Russell G. Claflin
Arthur M. Drake
Otto H. Oleson
Conferees on the Part of the House

Rep. Claflin moved that the House adopt the committee of conference report.

Adopted.

DISCHARGE COMMITTEE OF CONFERENCE
NEW COMMITTEE APPOINTED

Rep. Greene moved that the House discharge the committee of conference on SB 24, amending solid waste disposal laws, due to the absence of a member and that a new committee of conference be appointed.

Adopted.

The Speaker appointed Reps. Greene, Colburn and Ruel.

COMMITTEE REPORTS CONTINUED

SB 16

relative to the administration of the revenue laws. Ought to pass with amendment. Rep. Drake for Appropriations.

AMENDMENT

Amend the bill by striking out section six and inserting in place thereof the following:

6 Transfer of Funds. All monies appropriated to the tax commission and all monies available to it from any source except monies appropriated for the salaries of the three tax commissioners are hereby transferred to the department of revenue administration. The monies appropriated to the tax commission for the salaries of the tax commissioners is hereby transferred to the board of taxation.

Further amend the bill by striking out all after section eighteen and inserting in place thereof the following:

19 Appropriation. The sum of twenty-five thousand four hundred dollars for fiscal year 1973 is hereby appropriated to be expended by the department of revenue administration in carrying out the provisions of this act as follows:

	1973
Commissioner of revenue administration	$25,400

This appropriation shall be in addition to all other appropriations for the department of revenue administration. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

20 Appropriation. The sum of fifty-seven thousand seven hundred seventeen dollars for fiscal year 1973 is hereby appropriated to be expended by the board of taxation in carrying out the provisions of this act as follows:

Personnel services:	1973
Permanent:	
2 Review Appraiser III	$25,900
1 Clerk Steno IV (Clerk of Board)	7,326
1 Clerk Steno II	5,422
1 Clerk Typist II	4,569
Other	500
Current expenses	7,500
Equipment	4,500
Travel:	
In state	2,000
Total	$57,717

This appropriation shall be in addition to all other appropriations for the board of taxation. The governor is authorized

to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

21 Effective Date. This act shall take effect July 1, 1972.

Rep. Ferguson moved to refer SB 16 to the Special Committee established by RSA 388 — Laws of 1971.

Rep. Shirley Clark spoke against the motion.

(discussion)

Reps. Zachos and Robinson spoke against the motion.

Rep. Sayer spoke in favor of the motion.

Rep. Esther Davis moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Wilfrid Boisvert requested a division.

123 members having voted in the affirmative and 93 in the negative.

Motion failed for lack of necessary 2/3.

Rep. Bednar requested a quorum count.

Speaker declared a quorum present.

Question being on the committee amendment.

106 members having voted in the affirmative and 118 in the negative.

Amendment failed.

Question being on ordering SB 16 to third reading.

90 members having voted in the affirmative and 127 in the negative.

Motion failed.

SB 17

establishing an environmental protection department. Ought to pass with amendment. Reps. Greene and Claflin for

Joint Environmental Quality & Agriculture & Resources, Recreation & Development.

AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An Act

providing for an emergency temporary zoning and planning ordinance and for the adoption of the same in emergencies.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Adoption of Emergency Ordinance. Amend RSA 31 by inserting after section 98 the following new sections:

31:99 Emergency Temporary Zoning and Planning Ordinance. In any town which does not have in effect a valid zoning ordinance as authorized by RSA 31:60-89, the selectmen may, and upon written application to them for this purpose signed by ten or more voters or one sixth of the voters in town, whichever is less, shall call a special town meeting, warning the same as provided by law, to act upon the following question: Shall the town adopt the provisions of RSA 36-C entitled "Emergency Temporary Zoning and Planning Ordinance"? The provisions of RSA 31:63-65, relating to method of enactment, shall not apply; provided that there shall be reasonable opportunity for debate of such question at such town meeting, before balloting commences. Voting shall be by ballot, with the use of the checklist used at the most recent annual meeting, and the polls shall remain open at least two hours for the casting of ballots. If the foregoing question receives affirmative votes amounting at least to a majority of those present and voting, RSA 36-C shall take effect forthwith in said town and shall remain in effect until: (a) the date of adoption by such town of its own zoning ordinance in accordance with applicable provisions of RSA 31, or (b) until the next annual town meeting, whichever occurs first. Provided however, that if no such zoning ordinance has been adopted prior to said next annual town meeting and no zoning ordinance under the applicable provisions of RSA 31 has been proposed for action at said town meeting, the selectmen shall include in the warrant for said meeting the following question to

be acted upon after discussion: To see if the town will vote to continue indefinitely the temporary zoning ordinance enacted under the provisions of RSA 36-C. If a majority of those present and voting on said article vote in the affirmative, the provisions of RSA 36-C shall remain in effect in the town until such time as they are rescinded by a vote at a subsequent town meeting. If a majority of those present and voting on the article vote in the negative, the provisions of RSA 36-C shall cease to be in effect.

2 Provisions of Emergency Temporary Zoning and Planning Ordinance. Amend RSA by inserting after chapter 36-B the following new chapter:

Chapter 36-C

Emergency Temporary Zoning and Planning Ordinance

36-C:1 Definitions. Terms used in this chapter shall be construed as follows, and for the purposes of this chapter only, unless a different meaning is clearly apparent from the language or context:

I. "Right-of-way" shall mean and include all present and proposed town, state and federal highways and the land on either side of same as covered by statutes to determine the widths of rights-of-way.

II. "Permanent resident' refers to an individual or family using any building continuously as a residence for a period of six months or more.

III. "Frontage" shall mean that portion of a lot bordering on a highway, street or right-of-way.

IV. "Setback" shall mean the distance between the nearest portion of a building and a lot or right-of-way line.

V. "Permanent building" shall mean any building resting upon a foundation or otherwise legally defined as "real estate".

VI. "Mobile home" shall mean a vehicle so constructed as to permit its being used as a conveyance upon a public street, and designated to permit occupancy for one or more persons. Such a vehicle is equipped with running water and sanitary facilities such as bath and toilet.

VII. "Non-conforming use" shall mean use of land, building or premise which is not a use permitted by the provisions of this ordinance for the district in which such land, building or premise is situated.

36-C:2 Districting. For the purpose of regulating the use of land and the location and construction of buildings, any town adopting the provisions of this ordinance shall be considered as one district with the following regulations and restrictions:

I. It shall be a district of residential or agricultural use only. Business, commercial and industrial uses are prohibited in this district, except as hereinafter provided.

II. Three apartments for permanent residents shall be the maximum allowable in any one given building.

III. Lots shall be at least one acre in size.

IV. There shall be observed the following setbacks in the construction of new buildings or in the relocation of existing ones:

(a) Minimum distance between any building and a right-of-way shall be fifty feet.

(b) Minimum distance from lot sidelines to any building shall be thirty feet, providing, however, that small detached buildings, may, as a special exception, be approved to within fifteen feet of a lot upon a finding of no detriment to the neighborhood.

(c) Minimum distance from a lot rearline to any building shall be forty feet, providing, however, that small detached buildings may, as a special exception, be approved to within twenty feet of a lot rearline upon a finding of no detriment to the neighborhood.

(d) Maximum height of any building shall be thirty-five feet with determination being based upon the vertical distance from the average finished grade surrounding the building to a point midway between the highest and lowest points of the highest roof. Silos, barns, church and hose towers are excepted. Antenna structures shall not be deemed to increase the height of any building upon which they are mounted.

V. Home products and produce may be bought and sold and displayed for sale in this district. Customary home occupations are permitted if carried on by a person wholly within a dwelling used by him as his private residence and no more than two other persons are employed.

VI. Hotels, motels and tourist homes may be maintained and operated by special exception.

VII. Private schools, nursing homes and sanitaria may be maintained by special exception.

VIII. No building or set of buildings shall occupy more than thirty percent of its lot, nor shall it occupy more than sixty percent of its frontage if its front yard is less than one hundred feet deep. Residential subdivision or cluster development plans shall adhere to the same percent coverages, though special exceptions on building proximities may be granted by the board of adjustment in cluster developments, providing the overall plan is in accordance with the purposes and intent of this ordinance and will not be detrimental or injurious to the neighborhood, as determined by the board.

IX. No building, residence, trailer or mobile home may be occupied anywhere in this district unless it meets all of the area and yard requirements of a residence in this district.

X. For the purpose of this ordinance, outdoor advertising shall be classified as commercial use and shall be permitted only as in conformity to the following regulations:

(a) An outdoor sign shall not be larger than six square feet.

(b) It shall not be placed within twenty-five feet of a road centerline nor within one hundred fifty feet of an intersection unless affixed to a building and not extending beyond or above the same by more than three feet.

(c) Illumination of such signs shall be only by continuous non-flashing and non-colored light.

(d) A permit for erection shall be procured from the board of selectmen.

36-C:3 Agricultural Use. "Agricultural use" shall mean land used for agriculture, farming, dairying, pasturage, agriculture, horticulture, floriculture, silviculture and animal and

poultry husbandry. Any such uses are permitted except as restricted below:

I. The slaughtering of animals or poultry, except such as are raised for use of owner or occupant, is permitted only as special exceptions and subject to the following regulations:

(a) A lot shall be eight acres or more in area.

(b) Each lot shall have at least five hundred feet in frontage if adjacent to a right-of-way.

(c) A building for these purposes shall be placed at least one hundred feet from any right-of-way.

(d) A building shall be located at least two hundred feet from side or rear lines.

(e) Before approval by the board of adjustment, a public hearing shall have been held, following due warning as required by law, and the proposed use may not be approved unless the board finds that it will not cause hazard to health, property values or safety through fire, traffic, unsanitary conditions or through excessive noise, vibration, odor or other nuisance feature.

36-C:4 Commercial Exceptions. Business, commercial or industrial ventures and uses other than those mentioned above may be given approval as special exceptions by the board of adjustment, providing, however, the following regulations and restrictions are observed:

I. No business, commercial or industrial venture or use shall be permitted which could cause any undue hazard to health, safety or property values or which is offensive to the public because of noise, vibration, excessive traffic, unsanitary conditions, noxious odor or similar reason.

II. Sufficient acreage shall be included in the site of such venture or use to allow the following setbacks and related facilities:

(a) Front: Not less than seventy-five feet from any building or parking lot to a right-of-way, with both an exit and an entrance and with grass and/or other reasonable beautification in the buffer area.

(b) Side and rear: Not less than fifty feet from a building or parking lot to the lot line.

(c) Sufficient off-street parking space to allow two hundred square feet for each three anticipated patrons or employees on premises at the same time, as determined by the board of adjustment.

III. On-premise advertising signs in connection with businesses or industries receiving approval shall be exempt from the provisions of RSA 36-C:2, X and shall be considered as part of the application for special exception under this section. They shall be limited to not more than twenty square feet in size and may be illuminated only by non-colored, non-flashing lights. Location may not be within any right-of-way nor within one hundred fifty feet of any intersection unless attached to a building.

IV. Before mining, excavation or removal of soil, rock, sand, gravel, minerals, or similar material, a special exception must be obtained from the board of adjustment. The board may impose reasonable conditions for protection of the environment and may require that when the removal of materials is completed, sufficient grading must take place to allow covering of the work area with two inches of top soil and seeding with suitable cover crop, except when ledge rock is exposed. The board of adjustment may require the posting of a bond with the town treasurer to insure compliance with conditions imposed by it.

V. No business, commercial or industrial ventures or uses with the exception of home occupations as permitted by RSA 36-C:2, V shall be permitted on land at an elevation of more than two thousand feet above mean sea level, unless the board of adjustment shall grant a permit for the same as a special exception after first finding that such proposed use, subject to such reasonable conditions as the board may impose, if any, will not have a materially adverse effect on the environment of the town.

VI. All known abutters of any proposed business, commercial or industrial development or use shall be notified by the board of adjustment by certified mail a reasonable time prior to any public hearing.

36-C:5 Non-conforming Buildings, Land or Uses.

I. All non-conforming properties in active use when this ordinance is passed and adopted may continue indefinitely in their present use.

II. Any and all non-conforming uses may be altered and expanded with the approval of the board of adjustment as the business and conditions warrant, providing, however, that any expansion within twenty-five feet of a lot line shall not bring any building within thirty-five feet of an abutter's building and provided that the height does not exceed the limits as defined in RSA 36-C:2, IV, (d) and further provided that the alteration or expansion conforms to RSA 36-C:4, I. No such special exception may be granted unless the board finds that the proposed use will not be detrimental or injurious to the neighborhood.

III. Any and all non-conforming buildings which are partially or totally destroyed by reason of obsolescence, fire or act of God may be restored, remodeled and operated — if same is done within two years — providing, however, that proximity to a lot line or right-of-way may be no nearer than the lesser of the original building and the setbacks defined in RSA 36-C:2, IV, (a), (b) and (c), and the height does not exceed the limits described in 36-C:2, IV, (d).

36-C:6 Board of Adjustment and Administrative Provisions. In any town in which RSA 36-C has been adopted, and while it remans in effect, the board of selectmen shall be the appointing authority for the zoning board of adjustment, and shall appoint the first such board forthwith, upon the adoption hereof. Such board shall have all the powers and jurisdiction and be subject to all the duties, requirements and other provisions applicable to zoning boards of adjustment under RSA 31. The board of selectmen, or a majority thereof, shall act jointly as the building inspector and administrative officer charged with enforcement and may issue building or use permits in the first instance, where clearly permitted by law. The applicable provisions of RSA 31 shall govern motions for rehearing, appeals, enforcement, and interpretation. In addition to other remedies, any person convicted of violation of the provisions of this chapter by a court of competent jurisdiction shall be subject to a fine of not exceeding fifty dollars for each offense and each day of violation shall constitute a separate offense.

36-C:7 Planning Board Powers. In any town in which RSA 36-C has been adopted, which does not have a planning board, such adoption shall, without further action, authorize the establishment of a planning board of five members as provided in RSA 36; and the board of selectmen shall forthwith appoint such planning board as provided by law. Such planning board, when duly appointed, shall, by virtue of the adoption of this chapter and without further action, have all the powers, jurisdiction and duties of planning boards under RSA 36 and other applicable statutes, and, in particular, shall have all the powers lawfully delegable to it by RSA 36:19 and 19-a. Appeals shall be available as provided in RSA 36, and all other applicable provisions of RSA 36 shall be in effect in such town. If any town in which RSA 36-C has been adopted, already has a duly established planning board to which has been delegated the powers of RSA 36:19 and 19-a, this section shall not apply, but to the extent that powers under both such sections have not been theretofore lawfully delegated to such planning board, the adoption of RSA 36-C shall accomplish such additional delegation of power without further action. Notwithstanding the provisions of RSA 31:99, the provisions of this section shall remain in effect in any such town unless and until the town votes to abolish the planning board or revoke its powers as provided in RSA 31:63-c or other applicable statutes.

3 Effective Date. This act shall take effect upon its passage; provided that RSA 36-C as inserted by section 2 shall take effect in any town only when adopted as provided in section 1 hereof.

Rep. Claflin explained the amendment.

(discussion)

On a vv the Speaker was in doubt and requested a division.

149 members voted in the affirmative and 60 in the negative.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Rep. George Roberts and Raiche moved that the rules of the House be so far suspended as to place SB 17 on third read-

ing and final passage by title only at the present time.

THIRD READING AND PASSAGE BY HOUSE

SB 17, establishing environmental protection department.

RECONSIDERATION

Rep. Robinson moved reconsideration of SB 17.

Reconsideration lost.

SENATE MESSAGES
CONCURRENCE

HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases.

HB 44, providing for the assesment of land at valuation based upon the current use thereof.

HB 45, authorizing payment of relocation assistance in eminent domain takings in which federal funds are involved.

HB 46, establishing a line item budget for the city of Manchester.

CONCURRENCE HB WITH AMENDMENT

HB 24, establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles.

Rep. Hayes explained the amendment.

Amendment adopted.

(See Senate Journal 15Mar72 for amendment).

NONCONCURRENCE
REQUEST FOR COMMITTEE OF CONFERENCE

SB 17, establishing an environmental protection department.

The President appointed Sens. Porter and Snell.

On motion of Rep. Claflin, the House acceded to the request.

The Speaker appointed Reps. Claflin, Read, and Oleson.

On motion of Rep. Gordon the House adjourned at 6:28 o'clock to meet tomorrow at 10 o'clock.

Thursday, 16Mar72

The House met at 10:00 o'clock.

JOINT CONVENTION

Prayer was offered by House Chaplain Rev. William L. Shafer.

O Lord God, whose greatness we can never fully grasp and whose love is beyond our power to measure, we thank Thee for all Thy gifts that we enjoy today. Enable us to make this day a meaningful expression of our gratitude, a response that emphasizes our concerns for others, serving and striving in the strength of your Truth. May our deliberations and decisions today embody Thy Goodness and Wisdom and Justice. Guide those who would guide us, let their guidance be straight as the arrow. Grant to the citizens of our State such concern and involvement in our democratic institutions, that all pursue the responsibilities of freedom which has made our State and Nation a power for peace in a troubled world. In the Name of God, the Father; Jesus Christ, Thy Revealer; and Thy Holy Spirit, our Guide and Truth. Amen.

PLEDGE OF ALLEGIANCE

Rep. Coburn led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Raiche, Raymond and Keating, the day, important business.

SENATE MESSAGES

ADOPTION COMMITTEE OF CONFERENCE REPORT

HB 6, increasing the total aggregate sum allowed on state

guarantees of municipal sewage bonds and authorizing the town of Lincoln to issue emergency notes.

CONCURRENCE HB WITH AMENDMENT

HB 17, establishing the rights of policemen.

(See Senate Journal 15Mar72 for amendment)

Rep. Shirley Clark moved to dispense with the reading of the amendment.

Adopted.

(discussion)

LAID ON THE TABLE

Rep. McDonough moved that HB 17 be laid on the table. Adopted.

CONCURRENCE HB WITH AMENDMENT

HB 40, accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death.

(See Senate Journal 15Mar72 for amendment)

Rep. McLane explained the amendment.

Reps. McLane and Hamel moved that the House concur with the Senate amendment.

Rep. Hamel spoke in favor of the motion.

Adopted.

Reps. Conley, Boucher, and Webster wished to be recorded in favor of the Lamontagne amendment to HB 40, accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death, and providing for special permits for lumber trucks.

Rep. Wilfrid Boisvert requested a quorum count.

250 members having answered, a quorum was declared present.

ENROLLED BILLS REPORT

HB 7, authorizing state agencies to maintain certain records to qualify for federal funding and providing for inclusion of the social security amendments of 1971.

HB 57, relative to voter registration residency requirement and permitting city clerks to accept voter registrations.

Roxie A. Forbes
For The Committee

SENATE MESSAGE

CONCURRENCE HB WITH AMENDMENT

HB 42, to suspend the implementing of certain government programs until such time as state and/or federal funding is available.

(See Senate Journal 15Mar72 for amendment)

Rep. Shirley Clark moved that the House nonconcur and that a committee of conference be set up.

Rep. Daniell spoke in favor of the motion.

Adopted.

The Speaker appointed Reps. Shirley Clark, James O'Neil and Robinson.

TAKEN FROM THE TABLE

Rep. McDonough moved that HB 17, establishing the rights of policemen, be taken from the table.

Adopted.

Rep. McDonough explained the bill.

Question being on concurrence with Senate amendment.

Amendment adopted.

SENATE MESSAGES

CONCURRENCE

HB 67, exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the adminis-

tration of said chapter and making an appropriation therefor.

CONCURRENCE HB WITH AMENDMENT

HB 20, providing that families of prisoners of war in Asia be given free tuition in the state's institutions of higher learning.

(See Senate Journal 14Mar72 for amendment)

Rep. George Roberts moved to dispense with the reading of the amendment.

Adopted.

Rep. Roberts explained the amendment.

Amendment adopted.

DISCHARGE COMMITTEE OF CONFERENCE
APPOINTMENT NEW COMMITTEE

Rep. Zachos moved that the committee of conference on SB 21, relative to the age of majority, be discharged and that a new committee be appointed.

Adopted.

The Speaker appointed Reps. Zachos, Frizzell, Healy, Riley and Palmer.

SENATE MESSAGE
CONCURRENCE HJR WITH AMENDMENT

HJR 5, establishing an interim committee to study a deferred tuition program for the state.

(See Senate Journal 15Mar72 for amendment)

Rep. James O'Neil moved that the House nonconcur and that a committee of conference be set up.

Adopted.

The Speaker appointed Reps. James O'Neil, Gemmill and Lemieux.

RECESS

AFTER RECESS

ENROLLED BILLS REPORT

HB 71, relative to the acquisition and disposal of industrial facilities. Ought to pass with amendment. Rep. Forbes for Enrolled Bills Committee.

AMENDMENT

Amend RSA 162-G:10, as inserted by section 1 of said bill by striking out lines four and five and inserting in place thereof the following:

in the case of a town, action shall be authorized by two-thirds of the registered voters present and voting at a regular or duly-called special town meeting. Action

Explanation of Enrolled Bills Amendment

When the bill was amended in the senate the only purpose was to remove the word "county" from the bill but in making the necessary amendment a previous house amendment which had changed the requirements for action under the bill from a majority vote to two-thirds was overlooked. The enrolled amendment is to correct the error in accordance with house action already taken.

Amendment adopted.

Rep. Kopperl offered the following resolutions.

HOUSE RESOLUTIONS

Whereas, House Bill 228, as amended in house journal March 25, 1971, pages 527-530, 'An Act relative to excavating, filling, mining and construction in the inland waters of the state, establishing an inlands wetland authority and making an appropriation therefor.' is presently pending before a joint committee consisting of the house committee on resources, recreation and development and the senate committee on resources and environmental control, for study, and

Whereas, section 13 of house bill 228 provides for the distribution of fees and fines collected on the licensing of boats and motors, and

Whereas, this distribution of such license fees and fines includes towns and cities, the water resources board, the water

supply and pollution control commission, the inland wetlands authority and the inland wetlands fund, and

Whereas, questions have been raised concerning the constitutionality of said section,

Now therefore be it resolved, that the justices of the supreme court be respectfully requested to give their opinion, upon the following questions of law:

1. Would any constitutional provision be violated by returning to the town or city the amount of license fee and fines on boats and motors which was previously collected by the town or city as taxes?

2. Would any constitutional provision be violated by the distribution of license fees and fines collected on boats and motors to the following:

(a) Water Resources Board;
(b) Water Supply and Pollution Control Commission;
(c) Inland Wetlands Authority; and
(d) Inland Wetlands Fund?

Be it further resolved, that the Speaker transmit seven copies of this resolution and of House Bill 228 and amendment to the Clerk of the Supreme Court for consideration by the Court.

Rep. Kopperl explained the resolution.

Adopted.

Rep. James O'Neil moved that when the House adjourns today it adjourn to meet at 11:00 o'clock tomorrow morning, Friday, the 15th legislative day.

Rep. Gordon spoke against the motion.

Rep. Joseph Cote requested a division.

57 members voted in the affirmative and 226 in the negative.

Motion lost.

Rep. Gordon moved that when the House adjourns today it be to meet Thursday next at 11:00 o'clock.

Adopted.

ENROLLED BILLS REPORT

HB 6, increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds and authorizing the town of Lincoln to issue emergency notes.

HB 24, establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles.

HB 26, amending the provisions of the charter of the city of Manchester relative to competitive bidding in certain cases.

HB 45, authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved, providing for regulations relative to the distribution and receipt of surplus commodities, and establishing a committee to study improvement in the commodity food distribution programs.

HB 46, establishing a line item budget for the city of Manchester and providing a four year term for the finance officer for the city of Manchester.

HB 67, exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter and making an appropriation therefor.

HB 44, providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973.

Roxie A. Forbes
For The Committee

(Deputy Speaker in the Chair)

DISCHARGE COMMITTEES OF CONFERENCE
NEW COMMITTEES APPOINTED

Rep. Roma Spaulding moved that the committee of conference report on HB 41, relative to voter registration by town and city clerks, be discharged and a new committee appointed.

Adopted.

The Speaker appointed Reps. Roma Spaulding, Helen Wilson and McDonough.

Rep. Gemmill moved that the committee of conference report on HJR 5, establishing an interim committee to study a deferred tuition program for the state, be discharged and a new committee appointed.

Adopted.

The Speaker appointed Reps. James O'Neil, Gemmill and Maloomian.

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 15 'An Act repealing the provisions for discretionary real estate licenses.' having considered the same, report the same with the following recommendation:

That the House recede from its position in adopting its amendment and that the House and Senate each pass the bill as passed by the Senate.

Shirley M. Clark
Maurice L. Bouchard
Robert E. Raiche
Conferees on the Part of the House

Arthur Tufts
Richard W. Leonard
Conferees on the Part of the Senate

Rep. Shirley Clark moved that the House adopt the committee of conference report.

Rep. Clark explained the report.

Report adopted.

Rep. Drake explained the itemized breakdown of the funds in HB 43 for the Office of State Planning:

3 new jobs as follows:	
1 Director of Regional Planning	$15,000
1 Director of Community Planning	15,000
1 Clerk Steno III	4,895
	$34,895

The present Planning Director will become the Community Planning Director. Two vacancies will exist for the positions of Director of State Planning and Director of Regional Planning. The Planning director's salary and expenses are already funded in the 1972-73 budgets.

In other personal services, the $49,895 is allocated as follows:

1 Resource Planner	$9,284
1 Research Assistant	7,725
1 Statistician I	6,890
Total	$23,899
Plus Consultants	25,996

The current expenses, travel and equipment necessary for the above jobs was included for a sum of $15,000

The $190,000 appropriation for planning assistance for regional planning commission provides for direct grants to the Planning regions.

50% of the total appropriation is Federally funded on a continuing basis.

I would point out that every position included herein is for professional classified people who must be hired thru the regular Personnel Department procedures. There are no Governor or G&C appointments.

The greatest urgency in this legislation is evident by review of the Joint Regional Agreement between the Department of Housing and Urban Development and the Environmental Protection Agency which provided when signed on December 27, 1971 that "Commencing July 1, 1973, EPA may approve a wastewater facility grant application from an applicant *only* if such applicant is in a planning area subject to a planning agency that complies with HUD's area-wide planning requirements (the certification requirements) and EPA's planning requirements."

UNANIMOUS CONSENT

Reps. Cote, Elmer Johnson and Robinson addressed the House by unanimous consent.

Rep. Vachon moved that the remarks of Rep. Robinson be printed in the journal.

Adopted.

Rep. ROBINSON: I appear before you today to explain what many of you perhaps do not know about Bob Raiche and his upcoming week in El Salvador.

Not long ago Bob was elected as the international chairman of the board of directors of the Partners of the Americas. This program, begun in 1962 by President John F. Kennedy, has become one of the most important diplomatic, social and economic links between the United States and Latin America.

Unlike many of our foreign programs, this program is not a give-away, but a people to people, self-help program designed to create an exchange of cultural, social and economic benefits.

Bob Raiche has done much to foster this program and to make it into an effective and respected vehicle for the transmission of good will between North and South America.

Bob headed a drive that raised over $40,000.00 worth of food, clothing and medical supplies for the victims of the Peruvian earthquake. This is only one of many worthwhile projects of Bob's that have gone unheralded and I would like to take this opportunity to inform this House of the accomplishments of one of its members and of the good will that Bob is carrying with him this week.

I hope that those of you who don't know of the good work that Bob has been doing will appreciate what he has done, and is continuing to do for the people of New Hampshire, of the United States and, in fact, for the people of the entire western Hemisphere.

I know that the members of this House are proud of Bob's accomplishments in this project and that the good wishes of this House go with Bob on this trip.

SENATE MESSAGE

ADOPTION COMMITTEE OF CONFERENCE REPORT

SB 15, repealing the provisions for discretionary real estate licenses.

ENROLLED BILLS REPORT

HB 20, providing that children of prisoners of war in South East Asia be given free tuition in the state's institutions of higher learning.

HB 40, accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death and providing for special permits for lumber trucks.

Roxie A. Forbes
For The Committee

Rep. "Cap" Gay is 35 on St. Patrick's Day tomorrow.

This Special Session of the Legislature afforded a grandfather, Arthur Peabody of Pelham the rare opportunity to serve with his grandson, John Richardson of Pelham in the General Court.

RECONSIDERATION

Rep. Gordon moved that the House reconsider its action in adopting the motion to meet Thursday next at 11 o'clock.

Reconsideration carried.

Rep. Gordon moved that the House meet at 10 o'clock Thursday next.

Adopted.

On motion of Rep. Bushey the House adjourned at 5:05 o'clock.

Thursday, 23Mar72

The House met at 10:00 o'clock.

JOINT CONVENTION

Prayer was offered by House Chaplain Rev. William L. Shafer.

IN NOMINE PATRIS, ET FILII, ET SPIRITUS SANCTI. AMEN. Enlighten the darkness of our understand-

ing, O our Lord and our GOD, that we may be filled with the divine and live-giving voice of Thy commandments. In Thy mercy allow us to gather their fruits, which are love, hope, and the salvation of soul and body, and ever to celebrate Thy glory with faith and perseverance, O supreme Master of all, Father, Son, and Holy Ghost. Amen.

(ex. Chaldean Liturgy.)

PLEDGE OF ALLEGIANCE

Sen. Lamontagne led the Convention in the Pledge of Allegiance.

HOUSE
LEAVES OF ABSENCE

Rep. Hardy, the day, illness.

Rep. Ackerson, the day, illness in family.

Rep. Manning, the day, a death in family.

Reps. LaMott, Barbara Thompson, Hamel, Little and Harvell, the day, important business.

ACCEDED REQUEST
COMMITTEE OF CONFERENCE

HB 42, to suspend the implementing of certain governmental programs until such time as state and/or federal funding is available.

The President appointed Sens. Jacobson and Marcotte.

ENROLLED BILLS REPORT

HB 17, establishing the rights of policemen.

HB 71, relative to the acquisition and disposal of industrial facilities.

SB 15, repealing the provisions for discretionary real estate licenses.

Roxie A. Forbes
For The Committee

COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 17 'An Act providing for an emergency temporary zoning and planning ordinance and for the adoption of the same in emergencies.' having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment and concur in the adoption of the House amendment; that the House and Senate each adopt the following amendment to the bill as amended by the House; and that the House and Senate each pass the bill as amended by the House and with the following amendment.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT
providing for an emergency temporary zoning and planning ordinance and for the adoption of the same in emergencies, and establishing an interim committee to study and report on the establishment of an environmental protection department.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Committee Established. A joint select special committee of the legislature on environmental protection is created and established to prepare a plan of organization of a department of environmental protection into such bureaus, divisions, and sections as may be necessary to carry out efficiently the work of the department. The joint select committee of the legislature shall consist of two members of the senate appointed by the president and three members of the house appointed by the speaker. The committee shall prepare legislation to be presented to the 1973 session of the legislature to amend, repeal, and enact statutes to reflect the powers, responsibilities, organization, and budget necessary to regulate development which may substantially affect environment.

4 Transfers. The committee shall recommend to the legislature the transfer from or to another state department, such functions and personnel as would appear to properly belong to

another department or to an environmental protection department.

5 Assistance from State Agencies. The committee shall be empowered to call on personnel from agencies concerned with the environment for advice and counsel, such agencies to include, but not be limited to, the department of resources and economic development, the department of fish and game, the water supply and pollution control commission, the water resources board, the department of health and welfare, the department of public works and highways, and the office of state planning.

6 Compensation. Committee members shall serve without compensation, but shall be entitled to legislative mileage.

7 Effective Date. This act shall take effect upon its passage; provided that RSA 36-C as inserted by section 2 shall take effect in any town only when adopted as provided in section 1.

Sen. Frederick A. Porter, District 12
Sen. Edward A. Snell, District 4
Conferees on the Part of the Senate
Rep. Russell G. Claflin, Carroll 7
Rep. Maurice W. Read, Rockingham 5
Rep. Otto H. Oleson, Coos 5
Conferees on the Part of the House

Rep. Gordon requested a quorum count.

257 members having answered, a quorum was declared present, but not 2/3.

Rep. Vachon challenged the accuracy of the count and requested a new count.

267 members having answered, a quorum was declared present.

Rep. Claflin moved the adoption of the report and explained it.

A division was requested.

It being manifestly in the affirmative, the report was adopted.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

SB 24, relative to solid waste disposal.

Rep. Greene moved the adoption of the committee of conference report.

Rep. Greene explained the report.

Report adopted.

COMMITTEE OF CONFERENCE REPORT

HB 42, to suspend the implementing of certain governmental programs until such time as state and/or federal funding is available.

Rep. Ouellette moved the House discharge the committee of conference and that a new committee of conference be set up.

Rep. Ouellette explained the motion.

Rep. Cleon Gardner spoke in favor of the motion.

Rep. Shirley Clark further explained the conference report.

The Speaker ruled Rep. Ouellette's motion out of order. The question being on the adoption of the committee of conference report.

Reps. Gordon, Sayer, James O'Neil, Daniell and Hall spoke against the motion.

(discussion)

Rep. Dion moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Gordon requested a division and subsequently withdrew his request.

Adoption failed.

Rep. Shirley Clark moved that the House discharge the

committee of conference and that a new committee of conference be set up.

Reps. Gordon, Daniell, Lawton and Levy spoke against the motion.

(discussion)

Reps. Shirley Clark, George Roberts, and Enright spoke in favor of the motion.

The Speaker ruled that it would take a 2/3 vote to set up a new committee of conference.

Motion lost.

Rep. Daniell moved that the House nonconcur with the committee of conference report and spoke in favor of the motion.

Adopted.

Rep. George Roberts wishes to be recorded in favor of discharging the committee of conference on HB 42 and setting up a new committee of conference, so that the towns involved would have an opportunity to secure their bond issues.

Rep. Fiske offered the following resolution.

HOUSE RESOLUTION

Whereas, House Bill 269 of 1971 Session of the General Court entitled 'An Act prohibiting the mining of sand and gravel in the inland and tidal waters of the state' was introduced and referred to an interim study committee; and

Whereas, there is a possibility that the State, through the governor and council, may enter into a contract for the removal of five million cubic yards of sand from the shoals off Great Boar's Head in Hampton, New Hampshire; and

Whereas, the Commonwealth of Massachusetts and the State of Maine have recently enacted legislation which has declared a moratorium on offshore dredging because of possible damage to ocean beaches; and

Whereas, the removal of said five million cubic yards of sand could cause irreparable and economically devastating damage to the New Hampshire beaches;

Now therefore be it Resolved by the House of Representatives, in General Court convened:

That there shall be no mining of sand and gravel in excess of one hundred thousand cubic yards in the territorial waters of the State of New Hampshire until the report of the study committee is delivered to the house of representatives.

Rep. Fiske explained the resolution and spoke in favor of the resolution.

(discussion)

Reps. Hammond and Claflin spoke in favor of the resolution.

Resolution adopted.

Rep. Roma Spaulding moved that the committee of conference on HB 41, relative to voter registration by town and city clerks, be discharged and a new committee of conference be set up.

Rep. Spaulding spoke in favor of the motion.

(Deputy Speaker in Chair)

Reps. McDonough, Joseph Cote, Gordon, Belzil, and Brungot spoke against the motion.

(discussion)

The Speaker ruled that the subject matter of HB 41 could not be debated further because there was no written committee of conference report before the House.

RECESS

AFTER RECESS

(Speaker in the Chair)

The question being on the motion of Rep. Roma Spaulding that the committee of conference on HB 41, relative to voter registration by town and city clerks, be discharged and a new committee of conference set up.

Rep. Trowbridge explained the report.

Rep. Roma Spaulding moved that the motion on HB 41 be laid on the table.

Adopted.

INTRODUCTION OF BILLS

First and second reading

HB 81, legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton and Hooksett. Rep. Enright for the Rules Committee.

SUSPENSION OF RULES

Rep. Enright moved that Joint Rule 12 be suspended and that the rules of the House be so far suspended as to dispense with the reference to committee, holding of a public hearing, and to permit the consideration by the House of this bill at the present time and its transmission to the Senate.

Reps. Enright, George Roberts and Robinson spoke in favor of the motion.

Adopted.

Rep. Enright moved that HB 81, legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton, and Hooksett, be placed on third reading by title only at the present time.

Adopted.

THIRD READING AND PASSAGE BY HOUSE

HB 81, legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton and Hooksett.

Reps. Merrill and Raiche offered the following resolution:

House Concurrent Resolution No. 1 Ratifying
the Proposed Amendment to the Constitution
of the United States Extending Equal Rights to Women.

Whereas, the Ninety-second Congress of the United States of America at its Second Session, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States in the following words, to wit:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United

States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislature of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE—

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

"SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this Article.

"SECTION 3. This amendment shall take effect two years after the date of ratification."

Be It Resolved by the House of Representatives of the General Court of the State of New Hampshire, the Senate Concurring:

That, the proposed amendment to the Constitution of the United States extending equal rights to women be and the same is hereby ratified; and

Be It Further Resolved,

That certified copies of this resolution, signed by the Speaker of the House and the President of the Senate, be by them forwarded to the President of the United States, the President Pro Tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States and the Administrator of General Services of the United States.

(Rep. Trowbridge in the Chair)

Rep. Merrill explained the resolution.

Rep. Cobleigh and David Bradley spoke against the resolution.

(discussion)

Rep. Spirou spoke in favor of the resolution.

Rep. Gordon moved that HCR 1 be referred to an appropriate interim study committee to report back to the next session.

Reps. Menge, Lyons, and Michels spoke against the motion.

Rep. Drabinowicz moved the previous question on this motion.

Sufficiently seconded.

Adopted.

Rep. Balomenos requested the yeas and nays.

Sufficiently seconded.

Rep. Balomenos withdrew her request for the yeas and nays, and requested a division and reserved the right to request the yeas and nays after the division vote.

132 members having voted in the affirmative and 147 in the negative, the motion lost.

Question being on the adoption of HCR 1.

On a vv the Speaker was in doubt and requested a division.

179 members having voted in the affirmative and 81 in the negative, the motion was adopted.

RECONSIDERATION

Rep. Michels moved reconsideration on HCR 1.

Reconsideration lost.

Rep. Townsend wishes to be recorded voting in favor of HCR 1.

SENATE MESSAGE

ADOPTION COMMITTEE OF CONFERENCE REPORT

HB 43, making supplemental appropriations for expenses of certain departments of the state for fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, certain state officers, and non-academic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof, amending the duties of the director of the division of accounts, making an appropriation for the non-public school study commission, mak-

ing an appropriation for the committee on legislator orientation, and authorizing an agreement with Ohio state university veterinary school to enroll New Hampshire residents and making an appropriation thereof.

(Deputy Speaker in the Chair)

Rep. Drake explained the committee of conference report on HB 43.

(Speaker in the Chair)

Rep. Scamman spoke against the committee of conference amendment relative to the Sea Coast toll road.

Rep. Trowbridge explained the procedure on the toll road amendment.

Reps. Gordon and Daloz spoke against that part of the report dealing with the state planning division.

(discussion)

Reps. Raymond and Raiche spoke in favor of the conference report.

Rep. Palmer commented on the conference report.

Rep. Levy spoke against the conference report.

Rep. Dion moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Gordon requested the yeas and nays.
Sufficently seconded.

ROLL CALL

YEAS: 251 NAYS: 68

YEAS

MERRIMACK COUNTY:

Andrews, Bigelow, Parker, Harry C., Hanson, Enright, Riley, Gamache, Bartlett, Avery, Perkins, Thompson, Doris L., Burleigh, Daniell, Piper, Greeley, Mattice, Michels, York, Edward H., Davis, Alice, Haller, Cheney, Charles H., McLane,

Miner, Filides, Underwood, MacDonald, Wilson, Ralph W., Fuller, Glavin, Howard, C. Edwin, Woodward, Noble, Welch, Shirley, B.

ROCKINGHAM COUNTY:

Stimmell, Griffin, Margaret A., Gay, Read, Senter, Lovell, Belair, Gelt, Sayer, White, Palmer, Spollett, Cummings, Charles E., Goodrich, Collishaw, Eastman, Junkins, Page, Randall, Cheney, George L., Fiske, Greene, Hammond, Lockhart, Weeks, Keefe, Chandler, Griffin, Ruth L., Quirk, Connors, Dame, Palfrey, Jameson, Croft.

STRAFFORD COUNTY:

McIntire, Canney, Clark, Shirley M., Cochrane, Tirrell, Joncas, Maloomian, Habel, Chasse, Hebert, Boire, Ruel, Beaudoin, Sylvain, Dunlap, Preston, Balomenos, Tripp, Leighton, Fellows, Cogswell, Young, Richardson, Harriett W. B., Maglaras.

SULLIVAN COUNTY:

Townsend, Chase, Donald R., Rousseau, Keating, Spaulding, Roma A., Barrows, D'Amante, Downing, Saggiotes, Frizzell, Galbraith.

BELKNAP COUNTY:

Lawton, Roberts, Charles B., Wilkinson, Nighswander, Wuelper, Roberts. George B., Mutzbauer, Drouin, Huot, Head, Prescott, Maguire. Whittemore.

CARROLL COUNTY:

Howard, Donalda K., Cox, Davis, Esther M., Hayes, Conley, Davis, Dorothy W., Chase, Russell C., Claflin.

CHESHIRE COUNTY:

Ballam, Johnson, Edward A., Churchill, Forbes, Trowbridge, Yardley, McGinness, Bennett, Coughlin, Dunham, Hackler, O'Neil, James E., Mallat, Raymond, Vogel, Saunders, Heald, Cleon E., Streeter, Barker, Cummings, Richard E., Drew.

COOS COUNTY:

Bushey, Mayhew, Drake, Lee, Burns, Oleson, Dubey, Fortier, Roy, Studd, Brungot, McCuin, Bouchard, Gagnon, Theriault, Kidder.

GRAFTON COUNTY:

Gardner, Van H., Stevenson, Malcolm J., Tilton, Higgins,

McGee, Brummer, Mann, Ezra B., Anderson, Menge, Bradley, David H., Nutt, Gemmill, Dow, Foster, Duhaime, Roger M., Tremblay, Dudley, Merrill, Altman, Blain, Bell, Sears, Mitchell.

HILLSBOROUGH COUNTY:

Humphrey, Howard S., Knight, Monier, Sorenson, Colburn, Mann, Arthur F., Karnis, Eaton, Clyde S., Heald, Philip C., Warren, Bragdon, Spalding, Kenneth W., Hall, Bouchard, Maurice L., Belcourt, Trombley, Lachance, O'Neil, Robert, Aubut, Boisvert, Wilfrid A., Grandmaison, Sirois, Bissonnette, Gabriel, Alukonis, Richardson, John W., Peabody, Arthur H., Dwyer, Lyons, Bridges, VanLoan, Daniels, Milne, Zachos, Barrett, Gerald J., Montplaisir, Murphy, Francis, Dion, Cullity, McDermott, Welch, John L., Spirou, Barrett, William F., Clancy, Lynch, John T., McDonough, Sysyn, Simard, Campono, Champagne, Chevrette, Derome, Lemieux, Raiche, St. Onge, Robinson, Belanger, Lynch, Doris T., Lamy, Murphy, Dennis J., Martineau, Lemire, Allard, Brunelle, Lambert, Burke, O'Connor, Timothy K., Vachon.

NAYS

MERRIMACK COUNTY:

Gordon, Kopperl, Humphrey, James A.

ROCKINGHAM COUNTY:

Boucher, Soule, Adams, McGregor, Schwaner, Benton, Greenwood, Vey, Sewall, Twardus, Scamman, Maynard, McEachern, Chaisson, Levy, Woods.

STRAFFORD COUNTY:

Brown, Smith, Elmer C., Stevenson, Douglas M., Towle, Ineson, Bernard, Kinney.

SULLIVAN COUNTY:

Edes, Wiggins, Williamson.

BELKNAP COUNTY:

Davis, Guy N., Hood.

CARROLL COUNTY:

Lagroe, Webster.

CHESHIRE COUNTY:

Cournoyer.

COOS COUNTY:

Cook, Huggins, Metcalf, O'Hara, Desilets, York, Elmer H.

GRAFTON COUNTY:

Chamberlin, Krainak, Buckman, Bradley, Richard L.

HILLSBOROUGH COUNTY:

Eaton, Joseph M., Poehlman, Daloz, Murray, Carter, Coburn, Ferguson, Belzil, Drabinowicz, Desmarais, Gardner, Cleon J., Ouellette, Bednar, Keeney, Rodgers, Abbott, Ainley, Lang, Bourassa, Cote, Joseph L., Duhaime, Armand L., Healy, Leclerc, Sweeney.

Rep. O'Keefe abstained under Rule 16.

Committee of Conference Report adopted.

Reps. Helen Wilson and Shortlidge wish to be recorded as voting in favor of committee of conference report on HB 43.

Rep. Fuller wishes to be recorded as voting in favor of committee of conference report on HB 43 with reluctance.

COMMITTEE OF CONFERENCE REPORT

HB 49, making appropriations for capital improvements and amending the 1969 capital budget.

Rep. Trowbridge explained the conference report.

Report adopted.

TAKEN FROM THE TABLE

Rep. Roma Spaulding moved that the motion on HB 41, relative to voter registration by town and city clerks, be taken from the table.

Adopted.

Question being on the motion to discharge the committee of conference and set up a new committee.

Reps. McDonough, Belzil and Drew spoke against the motion.

(Deputy Speaker in the Chair)

Reps. Edes, Lemieux and Gordon spoke against the motion.

Reps. Rodgers and Mallat spoke in favor of the motion.

Rep. Roma Spaulding spoke a second time in favor of the motion.

Motion lost.

The Deputy Speaker introduced the Speaker who addressed the House as follows:

PROROGUE ADDRESS BY HOUSE SPEAKER MARSHALL W. COBLEIGH AT THE CONCLUSION OF THE 1972 SPECIAL SESSION OF THE LEGISLATURE

As this Special Session draws to a close, one realizes as we look around this chamber that we will never all be here together again. As my second term as Speaker draws to a close, I am reminded of President James Garfield's memorable remark, "My God! What is there in this place that a man should ever want to get into?"

This closing has a special significance to me personally, for, unless we are called back again in Special Session, it marks the conclusion of ten years of legislative service to the people of New Hampshire.

In looking back, I have enjoyed the challenge of being Speaker of this House but I would be less than frank if I didn't make it clear to you that I am considering challenges in other areas.

After ten years of service, it is a time for reminiscing. It is a time to look at accomplishments. It is a time to review unmet needs. It is a time to diagnose this institution we all love, for diagnosis precedes cure and we cannot help this House until we become sensitive to its problems.

What was it like back in 1963? In that session we considered eight hundred and forty-eight bills as compared with one thousand four hundred and forty-seven in the 1971 regular session.

It was as you might expect, an unhurried atmosphere with a greater respect for traditions, accompanied by antiquated legislative procedures.

The one difference that really stands out among all the others is that in those days many more members seemed to care more deeply about this institution. There seemed to be more members who loved, respected, and revered this House and its accouterments.

In those days motions and parliamentary procedure were agreed upon by the antagonists in a gentlemanly fashion before the battle, rather than trying to trick someone with a last minute, devious move.

In those days, when a ruling by the chair was attacked, the first people to go to the chair's defense were the leaders of the loyal opposition, for they respected the tradition of the office if not the man who held it.

Maybe it is nostalgia, but there appeared to be a friendlier rapport among the members, a greater comradeship, a greater understanding, a greater trust of each other's motives, foibles, and concerns.

I see a significant difference that on the last night of those sessions, and they used to go all night in those days, the forces of opposition were here till the closing gun, they loved this legislature and they didn't really want to go home as long as there was an excuse to stay with their friends, their comrades and their adversaries.

Now on the last night, we find the opposition making their speeches, issuing their press releases and all returning home — all but one, who immediately demands a quorum call!

I know there has been much talk about the Citizens Conference of State Legislatures ranking us thirty-eighth in the nation but many of you do not know of a Michigan University study which rated Legislatures on their innovative qualities. They took one hundred bills which had been passed in forty of the fifty states and determined what states passed these measures and in what order. New Hampshire was ranked eighth nationally and was the only small state in the top ten in that study.

There are those who criticize this General Court and hold it in contempt, but I look back at her record of accomplishment over these ten years and I am proud.

As I look at the major accomplishments of the past ten

years one stands out above all the others. Some of you will laugh and perhaps disagree with this, but it is a fact we have made a most important change in our tax structure with the passage of the Business Profits Tax. In this we rejected the long-held theory of taxing an inventory a merchant couldn't sell and of taxing the machines with which he produced his goods. Instead we established a tax on the money he makes from the goods he has sold. I would predict that we will shortly reject the ancient theory of taxing property a man owns and we will replace it with a tax based upon the money he makes. The passage of the business profits tax and the repeal of twelve ancient and inequitable taxes was the single greatest tax reform achievement in our State's history.

In these ten years this Legislature has effected long needed reforms in our judicial system with the establishment of a district court system that has modernized the judicial process in this State.

I take personal pride in the fact that this Legislature has modernized its own rules and procedures to a point where it is considered a model of efficiency by many of our sister states.

As I travel across this country and hear the problems of our sister states I think we may take pride in the fact that in this decade we have twice re-apportioned this House, free of dispute, free of judicial challenge, and in a manner that is fair and just.

The 1963 General Court granted our cities the power to run their own affairs by the passage of a home rule bill making democracy on the local level more meaningful.

In pioneering the Sweepstakes program New Hampshire has maintained a long standing tradition that this Legislature is not afraid to pioneer and meet the challenges of our times with imagination. This program is now being copied by many states across America.

The passage in 1965 of the highest percentage of state support to local communities for water pollution abatement in the nation, plus the passage in 1967 of House Bill 111 safeguarding land development, demonstrates our leadership in the area of ecology. Unfortunately, we have not seen fit since then to adequately fund these programs nor to resist the blandishments of

developers. Indeed, in this area we are becoming followers, where we were once and should be leaders.

We have enacted legislation to combat the growing problem of air pollution to insure that New Hampshire's air will continue to be the cleanest in the entire nation.

One of the major problems facing America today is drug abuse. We take pride in the fact that our drug abuse statutes preceded those of the federal government, that these statutes are considered better than most of our sister states, and the undercover narcotics division of our State Police is considered the best in New England. Just recently we have undertaken a new comprehensive attack on this serious problem, coordinating education, rehabilitation, and law enforcement.

We implemented Title 19 of the Federal Medicaid Act providing medical care to thousands of our elderly and poor not on welfare rolls but whose incomes are low and who cannot afford effective medical treatment.

We have developed a highly successful community mental health clinic program throughout our state so that our people may be treated in their home localities rather than in our state institutions, but like many other areas of need, this vital program is far from fully funded.

We have enacted legislation that will permit us to implement the National Highway Safety Act of 1966. This, together with the passage of my Habitual Offenders Act, is a major step in our continuing effort to reduce traffic accidents, thereby getting people off the road who have been causing numerous accidents.

During this period we have constructed eight hundred and eighteen lane miles of new highways at a cost of two hundred forty-five million dollars.

We have, through the Highway Beautification Act, moved to protect the scenic beauty of New Hampshire for all to enjoy. This act, coupled with billboard control, assures our people today and tomorrow that our natural heritage will be protected from despoilation and commercialization.

We changed the holiday law so that we could have more three-day holidays — a boon for both the business and tourist trade.

We have enacted legislation giving our State Banking Department jurisdiction on loans up to five thousand dollars. At the same time we have reduced the interest rate on loans up to six hundred dollars from twenty-nine percent to twenty-four percent; we have reduced the interest rate on loans from six hundred dollars to fifteen hundred dollars from twenty-three percent to eighteen percent; and we have given the Banking Department jurisdiction on all second mortgage loans.

Wholly conscious of the need to continue to expand the economy of this State, this Legislature has approved a branch banking bill that is fostering economic growth.

We passed an improved Management-Employee Relations Act for our State employees.

We established a new, soundly-financed state retirement system through the consolidation of existing policemen's, firemen's, teachers' and state employees' systems.

We have consolidated the university system and brought to reality a dream of our State Teachers Colleges to offer a comprehensive curriculum.

We established the Merrimack Valley Branch of the University of New Hampshire to bring higher education oportunities closer to the people. We have provided a technical-vocational school system which is one of the best in the nation.

We have approved the right-to-know concept insuring that public meetings at every level of government will be subject to public scrutiny as they should be.

We have learned during this Special Session that this Legislature can live with the enactment of the right-to-know concept.

We have once again given the voters of New Hampshire an opportunity to decide whether or not the Legislature should meet annually.

We have enacted child abuse legislation to protect children by having these cases reported to Child Welfare where proper authorities can use the protective services of the state.

We have participated in the Title 4 Work Incentive Pro-

gram of Social Security whereby useful people are working at useful jobs.

Over the past few years we have enacted a broad spectrum of consumer oriented insurance legislation to protect the interests of New Hampshire citizens. New Hampshire was the first state to provide protection for its citizens against the possibility of financial loss resulting from the insolvency of insurance companies, and as a result, all of the policyholders of the defunct Sutton Mutual Insurance Co. were protected. We have enacted statutes relating to unfair trade practices, which give the insurance department the power to move swiftly against any unfair or deceptive acts or practices in the business of insurance. This Legislature has protected New Hampshire citizens who are refused insurance or whose policies are cancelled or not renewed through no fault of their own.

We have revised our criminal code by updating all our statutes to become effective in 1973.

We have created a unique work program at our State Prison — a program of rehabilitation rather than incarceration.

Our efforts to improve the Laconia State School has resulted in the first-in-the-nation grandparents project whereby our elder citizens are compensated for valuable service to children, thus relieving the heavy burden of professional staffing.

These programs are examples of our efforts to recognize, at the state level, the social obligations where those requiring state custodial care are reborn human beings.

Yes, these things I have listed are among the two thousand seven hundred and eighty-eight laws passed by this House in my ten-year tenure. . . .

Each of us takes pride in the accomplishments of our Legislature. After ten years of service, I look back with pride on some of my achievements in the Legislative arena. I see bills I have sponsored resulting in new state facilities that have long been overdue, new schools, and better highways for the citizens of our State.

These are the monuments which will last long after we are gone. The technical-vocational school in my home town of

Nashua, Health Careers College here in Concord, the turnpike liquor stores in Nashua and Portsmouth and soon in Hooksett.

My sponsorship of the turnpike liquor stores has raised substantial revenue for the state to help finance unmet needs I have repeatedly spoken about.

My support of the turnpike extension in Nashua has spawned a sixty store shopping center and an eight million dollar industrial plant. I am proud that I originated the integrated toll road concept that will develop over the next ten year period.

I also succeeded in sponsoring and you passed many bills to cut costs in state government. Many of you perhaps have forgotten I was the sponsor of legislation permitting cities, towns, and counties to put welfare recipients to work as a condition for receiving welfare funds. I was the sponsor of the surcharge on delinquent fathers who did not maintain their child support payments which resulted in decreasing our welfare costs. The General Court, this session, passed my bill requiring Social Security numbers of divorced people to be furnished by the Probation Department to help us cut down on our aid for the families with dependent children program.

We have also succeeded in passing my legislation providing welfare abuse penalties and I have sponsored increases in unemployment benefits.

I fought to retain New Hampshire holding the first in the nation presidential primary that does so much for this state's public relations and promotion program. The primary in itself is worth an estimated ten million to our economy.

Together you and I have enacted many other bills and programs which I have sponsored and supported:

A. Requiring ramps on all public buildings for the physically handicapped.

B. Appropriations for alcohol and drug abuse.

C. Higher allowable earning under the retirement program for teachers and state employees.

D. Strong flammable fabric legislation for consumer protection.

E. Specialized vocational-technical programs for boys and girls at the Concord Technical Institute.

F. An interstate compact for the clean-up of the Nashua River.

G. Providing for a property tax survey committee.

H. Providing for a study on the feasibility of an East-West toll road.

I. Making the right-to-know law apply to all actions of this Legislature and its committees.

J. Abolishing the Legislative Council and making all House Committees Standing Committees.

K. Improving our parole procedures.

L. Memorializing Congress to pass federal-state tax sharing measure.

M. Reduced residence requirements to thirty days for Presidental elections.

N. Limiting administrative costs of charitable fund drives to fifteen percent.

O. Twenty-five year retirement program for police officers.

P. Constitutional amendment providing for freedom of speech in the New Hampshire Bill of Rights.

Q. Included in the budget additional funding for psychologists and psychiatrists at the State Industrial School.

R. Construction of an infirmary at the State Industrial School to provide for both medical and rehabilitation care in drug abuse.

S. Setting up a concentrated attack on drug abuse and including funding for our best-in-New England undercover narcotics squad as well as funding for drug education and rehabilitation. Also regulating the sale of hypodermic needles.

T. Eliminating the waiting list at the Laconia State School.

U. A new facility at the Soldiers Home in Tilton.

V. Allowing the New Hampshire College and University Council to buy through the Director of Purchase and Property.

In this Special Session I sponsored and you passed:

A. Establishing the rights of policemen.

B. Providing free tuition for children of prisoners of the war in Asia.

C. Allowing families of prisoners of war in Asia to take legal actions.

D. Increasing the salaries of the state employees and establishing a personnel study commission.

E. Requiring the filing of social security numbers with the Department of Probation.

F. Providing for the construction of a liquor store at the Hooksett Toll plaza.

G. Increasing the limit of earnings of retired teachers and state employees.

H. Controlling the sale of unsafe flammable fabrics with special emphasis on children's nightwear.

These are some of the tangible results of my ten years of service in these Legislative chambers. Many of you helped me get these measures enacted into law.

Yes, these things I have listed are among the two thousand seven hundred and eighty-eight laws passed by this House in my tenure.

Yes, my sense of accomplishment in the bills I have seen passed concerning better roads, new buildings and schools, which have come into being as a result of my Legislative efforts, is important, but the thing that means the most to me is the recognition of one's peers in this great legislative body.

I am grateful that despite controversy you have honored me by twice electing me as Speaker of this House and once as Majority Leader for one term.

I take pride in the fact that my fellow legislators across America elected me Chairman of the Republican Legislative Conference and have chosen me one of ten legislators in America for the Executive Committee of the National Legislative Conference, a division of the Council of State Governments.

I take even greater pride in the fact that despite differences of opinion many of my political enemies pay respect to a man able to get the job done.

While I take pride in these accomplishments, there have been some regrets as well.

Former Governor John King perhaps said it best in his 1967 prorogation speech — I quote:

"Of course all of us have been subjected to criticism from those who have not yet recognized the 20th century — criticism that there was no need for new revenues. These tired old voices of yesterday would have us turn our back on the medically needy, the aged, the patients at our state hospital and the thousands who receive care at our Community mental health clinics. These critics would deny our State employees a decent week's pay, and they would allow the pollution in our streams and rivers to continue unabated."

I regret the erosion of public and legislative confidence in our state university, which has caused reduction in the State's share of the University's budget from fifty-two percent in 1963 to thirty-two percent in this biennium.

I regret our foundation aid program for education in 1963 was 7.4 percent of the State's net budget helping ninety-seven school districts and today we allocated 3.3 percent of the net budget which helps only sixty-eight school districts.

I regret that we have failed to meet our responsibility in helping the disadvantaged child, the handicapped, the emotionally disturbed and the retarded.

As Thomas Jefferson said: "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government."

I regret that we are ranked fiftieth in the nation in state aid for rehabilitation, thus losing federal funds in a vitally needed program. I regret the loss of extremely competent state personnel, among them the directors of Mental Health and Vocational-Rehabilitation. When such men move to other states, we lose skills and administrative capabilities we cannot afford to lose.

I regret that there are some members of our Legislature

who worship at the altar of public opinion and are more concerned about getting re-elected than about being able to do what they know ought to be done in the best interest of the people.

I believe, as John Quincy Adams said, "Always vote for a principle, though you vote alone, and you may cherish the sweet realization that your vote is never lost." And as Andrew Jackson said, "One man with courage makes a majority."

In a world where we can put a man on the moon we should be able to educate every child in New Hampshire.

As John F. Kennedy said:

"Of those to whom much is given, much is required. And when at some future date the high court of history sits in judgment on each one of us recording whether in our brief span of service we fulfilled our responsibilities to the state — our success or failure, in whatever office we now hold, will be measured by the answers to four questions — were we truly men of courage . . . were we truly men of judgment . . . were we truly men of integrity . . . were we truly men of dedication?"

We must recognize the great challenge faced by our state —the avalanche of change.

New Hampshire is caught up in mushrooming growth making us the fastest growing state in New England and one of the fastest growing in the nation.

New Hampshire is a growth state. Growth has its positive side, which is measured in greater job opportunities for our citizens, but it poses new challenges as well. The purity of our air and water is under increased attack, and our school and transportation systems have been severely tested and found wanting. Put simply — we must master the forces of growth and change or be overwhelmed by them.

Unfortunately, in facing the challenge of change, the emotions of the times . . . the polarization of our people . . . has resulted in the erosion of respect for the General Court.

I regret the emotional climate in which we have been forced to operate and make our decisions.

Ralph Waldo Emerson said, "That he who corrupts the

public mind is more contemptible than he who steals from the public pocketbook." It is corruption of the public mind and its ally of misinformation which challenges us as Legislators to serve the people of New Hampshire courageously despite outside pressure upon this great institution.

I believe deeply and I am convinced most of you agree that it is the duty of the Speaker to provide leadership, to take unpopular stands, to fight for those programs which are in the best interest of the people of the State of New Hampshire. This I have always tried to do.

My fondest desire would be to come back here as a spectator in some future year and find all members acting as ladies and gentlemen, never booing, never hissing, never falling prey to the emotional attacks that have so polarized us in these unstable times. I urge you to respect this institution, respect each member's individual rights to be heard on an issue no matter how unpopular his or her viewpoint might be, and bring back to these chambers the spirit of '63 — a time when we could disagree without being disagreeable.

My one strong, prevailing hope for the future is that after I am gone from this chamber, some of you here today will pick up and carry the torch forward, restore this institution, this House, to the rightful place of respect it deserves.

I would urge this Legislature in the future to restructure its staffing situation so that the Legislative Budget Assistant's Office comes under the Speaker's Office. There can be no effective chain of command unless the employees report directly to the man who must be responsible for the institution's ultimate decisions.

I would urge this Legislature in the future to give both the Legislative and the Executive Branch the tools — the necessary tools, such as research and staff potential to enable them to perform efficiently and adequately. I believe this is one of the many challenges that lie ahead for this body.

I would urge this Legislature to face up to the necessity of reducing the size of this House to two hundred and fifty members and increasing the Senate to forty members plus increasing the compensation of its members so all age groups can afford to serve in this important body.

I would urge substantial additional compensation for future Speakers and Presidents of the Senate because, as Prime Minister Pierre Trudeau has said, "It takes a hell of a lot of time to be Prime Minister."

As I look around this chamber, I see so many friends. In my mind's eye I see, too, many of those no longer with us. And I see their empty seats. It has been beyond question the greatest experience of my life to have spent ten years among you, my friends.

There have been joys, there have been accomplishments, there have been sorrows and defeats. All of these have been shared with you, with my friends, both past and present.

The very first day I was elected Speaker I said in my acceptance speech, "I hope at the conclusion of this legislative session each and every one of us can say 'I am proud I served in the Legislature.' " I think when we reflect on the record of the past ten years I have just recited we can truly say I am proud I served in the New Hampshire Legislature in these trying times.

I think we have written a record of which we can be proud. We have had our troubles and our tribulations. We have done a good job, but there is much left to be done.

I have enjoyed serving with each of you. I have been honored to serve as your Speaker. As you know, I believe what Abraham Lincoln said, "I do the very best I know how — the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

I have tried to do this and will continue to do it in whatever role the future holds for me. My credo has always been:

I'm only one
But I am one.
I cannot do everything
But I can do something.
And what I can do
By the Grace of God
I will do.

I wish each and every one of you Godspeed and good luck

and thanks on behalf of the people of New Hampshire for a job well done.

Rep. Vachon moved that the Speaker's address be printed in the *Journal.*

Unanimously adopted.

Rep. Raiche addressed the House as follows:

I would like to indicate to you that today is also my last day in the House, unless the session continues until tomorrow. In doing so I was thinking of how I should do it. I thought of saying "goodbye" or "farewell" but I think that I would much prefer to do it the way the French do it, and that is to say to all of you Aurevoir, until I see you again. . . . I would like to talk, if I can, for two or three minutes about the educational experience I have received here in the Legislature, about the friendships I was fortunate enough to formulate with each and every one of you, about all I have learned about State government and about the problems of state government about the solutions to the state's problems, about all the bills that you have been responsible for, that you have sponsored, that I have sponsored. In fact, I believe, all of us working together in the last eight years have tried to do the things that we believe in. You know that we have not always agreed but I think you have always known where I have stood.

I do not blame legislators for not agreeing with a specific piece of legislation or with a specific political philosophy. The speaker in his address talked about polarization. I think it is more than polarization. I think in this country today there is a lack of trust and a lack of believability in government, a lack of credibility. The latest Gallup and Harris polls indicate that better than 50 percent of the people in our country do not believe in government, do not trust government, do not in fact feel that government represents them, or that government is responsive to the needs of the people, and that is a real indictment against our government.

John Kennedy once said that every mother wants her son to become President but she does not want him to become a politician along the way. I think that is a terrible indictment against our politics. In my estimation legislation that has come

before this House has been defeated because of a lack of credibility and a lack of trust, a lack of credibility in the facts and figures, the estimates, the proposals, and some of the people who have made these estimates and put forward these proposals. It is my feeling that a lot of you would have supported legislation which you did not because you could not trust the facts that were given to you, either as revenue estimates or expenditures.

When I think back, as the Speaker spoke, of the Business Profits Tax as an accomplishment I think back to the time when I stood in this same spot opposing the Business Profits Tax because it wasn't going to raise the revenue the leadership promised. I remember telling you, in my estimation that the Business Profits Tax could only raise 12 to 16 million dollars. And I was right. That was all it did raise. There were other occasions too. This was the beginning of disbelief that created a situation in this House that the Speaker referred to, and that is disrespect, misunderstanding, confusion and a general lack of trust, lack of belief in state government. I think that is unfortunate.

All of us have been elected to represent our constituents. We have been elected for our judgment, we have been elected to cure and solve some of the ills of our society but because of the lack of credibility and lack of trust and the animosity that existed because of this lack of trust this legislature did not pass some of the key legislation which I consider necessary to the people of the State of New Hampshire. I am speaking without a prepared text because I wanted you to know how I feel personally, leaving here today. I would hope that some day in the near future, that I could serve with you to help solve some of the problems of the State of New Hampshire and to benefit the very people in whom we are interested.

Mr. Speaker, I want to thank everyone for allowing me to serve with you and with them, and to be Minority Leader for the past four years and for the respect you have shown me, on every occasion. I have never known any of you to be disrespectful. I hope that in the future there will be less animosity and that there will be a government in which we can all believe and trust, and that the people of the State of New Hampshire can join with us in a trusting way to attack the problems of our state. Mr. Speaker, thank you very much for the opportunity to

address the House. And to all of you God Bless You and Aurevoir mes amis!

Rep. Spirou moved that Rep. Raiche's remarks be printed in the *Journal.*

Unanimously adopted.

SENATE MESSAGES

ADOPTION COMMITTEE OF CONFERENCE REPORTS

SB 17, providing for an emergency temporary zoning and planning ordinance and for the adoption of the same in emergencies.

HB 49, making appropriations for capital improvements and amending the 1969 capital budget.

HB 9, authorizing and directing the Technical Institute and Vocational-Technical colleges to become accredited as soon as possible.

UNANIMOUS CONSENT

Rep. Levy addressed the House by unanimous consent.

(Rep. Trowbridge in the Chair)

ENROLLED BILLS REPORT

SB 24, relative to solid waste disposal.

HB 43, making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes and relative to other matters.

Roxie A. Forbes
For The Committee

COMMITTEE OF CONFERENCE REPORT

HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible.

Question on the adoption of the conference report.

Rep. James O'Neil moved that the House adopt the committee of conference report.

Rep. Dunham spoke in favor of the motion.

Report adopted.

(Deputy Speaker in the Chair)

Rep. Arthur H. Peabody and John W. Richardson offered the following resolutions:

RESOLUTIONS

Whereas, we have learned with regret of the death of Richard H. Currier, former Representative from Pelham, and

Whereas, Richard H. Currier served his community faithfully and with efficiency, therefore be it

Resolved, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to his family, and be it further

Resolved, that a copy of these resolutions be transmitted to his family.

(Speaker in the Chair)

ENROLLED BILLS REPORT

HB 9, authorizing and directing the Technical Institute and Vocational-Technical Colleges to become accredited as soon as possible.

HB 49, making appropriations for capital improvements and amending the 1969 capital budget.

SB 17, providing for an emergency temporary zoning and planning ordinance and for the adoption of the same in emergencies, and establishing an interim committee to study and report on the establishment of an environmental protection department.

Roxie A. Forbes
For The Committee

SENATE MESSAGE
CONCURRENCE HB WITH AMENDMENTS

HB 81, legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton, and Hooksett.

(See Senate Journal 23Mar72 for amendments)

Reps. James O'Neil, Raiche, George Roberts and Robinson moved to dispense with the reading of the amendments.

Adopted.

Rep. Roberts explained the Senate amendments.

(discussion)

Reps. Gordon and Daniell spoke against the amendments.

Reps. Raiche, Trowbridge, James O'Neil, Malcolm Stevenson and Robinson spoke in favor of the amendments.

Rep. Dion moved the previous question on this motion alone.

Sufficiently seconded.

Adopted.

Amendments adopted.

Reps. James O'Neil, Raiche, George Roberts and Robinson offered the following Concurrent Resolution.

Resolved, by the House of Representatives the Senate concurring: That a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the session and is ready to be adjourned and to receive any communication which he may wish to make.

The Chair appointed the following members of the House on this committee:

Reps. Bell, Margaret Griffin, Leighton, Galbraith, McLane, Hayes, Brungot, Arthur Peabody, Vachon and Dion.

SENATE MESSAGE

REQUEST FOR CONCURRENCE IN SENATE CONCURRENT RESOLUTION 3

Resolved by the Senate, the House of Representatives Concurring: *That* a Committee of five be appointed to join with such Committee as the House may designate to wait upon his

excellency, the Governor, and inform him that the Legislature has completed the business of the Session and is ready to be adjourned and to receive any communications which he may wish to make.

The Senate appointees are: Sens. S. Smith, R. Smith, F. Porter, Lamontagne, Provost.

Rep. Vachon moved that the House concur.

Adopted.

His first attempt in politics at age 65.
Legislator started in 1955.
Reelected 9 consecutive sessions.
Attendance record perfect plus special sessions.
Rep. Walter O. Bushey
Northumberland, N. H. (Groveton) District 2.

The Speaker announced that Rep. Brungot was awarded a life membership in the oldest ski club in America, Nansen Ski Club, as the first girl to go over the ski jump.

Rep. McLane has been awarded the women's ski championship of the United States having won the NASTAR for women in her age bracket.

Rep. MacDonald was unable to listen to the Speaker's remarks because he became a grandfather during the address.

RESOLUTION

Reps. J. O'Neil, G. Roberts, Raiche and Robinson moved all bills and joint resolutions in the possession of the House still in committee or in committees of conference are hereby found inexpedient to legislate.

Adopted.

ENROLLED BILLS REPORT

HB 81, legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton, and Hooksett, and authorizing the city of Dover to acquire, develop and operate indus-

trial parks within the city and to aid the construction and expansion of industrial facilities within the city by the issue of revenue bonds, and amending the business profits tax.

Roxie A. Forbes
For the Committee.

INTERIM STUDY COMMITTEES

HB 5, permitting police employees of larger cities to enter the N.H. retirement system.

Fiscal Committee.

HB 18, increasing the fees on boats and motors, repealing the town tax on boats, and clarifying the duties of the division of safety services.

Joint committee of House Transportation and Resources, Recreation and Development.

HB 24, (Chapter 49), establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles.

Reps. French, Hayes and Arthur Mann.

HB 36, establishing the N.H. municipal bond bank as a public body corporate and politic for the purpose of facilitating the borrowing of money by counties, cities, towns and districts.

Special committee composed of State Treasurer, Bank Commissioner, one member from Senate Finance, one member from House Appropriations (Rep. Sumner Raymond) and the Sponsor, C. Robertson Trowbridge.

HB 43, (Chapter 60, Section 57), making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes and relative to other matters.

Raymond Brown, Manchester and Wilbur Jenkins, Manchester.

HB 45, (Chapter 51), authorizing payment of relocation assistance in the acquiring of real property in which federal

funds are involved, providing for regulations relative to the distribution and receipt of surplus commodities, and establishing a committee to study improvement in the commodity food distribution program.

Reps. Esther Davis, Perkins and Sheldon Barker.

HB 47, requiring no-fault motor vehicle insurance, and enacting a bumper safety statute.

House Banks and Insurance.

HB 58, amending the charter of the city of Manchester changing the title of the commissioner of welfare to director of human services, providing for his appointment instead of election, and requiring that he have certain educational experience qualifications.

Manchester Delegation.

HB 59, regulating users of ionizing radiation in the healing arts.

House Public Health and Welfare.

HB 61, enacting a Health Maintenance Organization Act, changing certain penalties in the insurance laws requiring the filing minimum standards for and approval of certain insurance documents, and relative to the board of directors and by-laws of hospital service and medical service corporations.

House Banks and Insurance.

HB 62, repealing statute on group marketing of motor vehicle insurance.

Joint Committee of House Banks and Insurance and Senate Banks, Insurance and Claims.

HB 75, changing the basis for retirement benefits for group I members from the highest five to the highest three years compensation.

Fiscal Committee.

HB 76, relative to the standardization of reports of state agencies and distribution of state publications.

Fiscal Committee.

HB 79, relative to the sale of liquor at state-owned ski areas.

Liquor Laws.

SB 3, (Chapter 43), establishing an interim legislative committee to investigate and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution.

Reps. McLane, Balomenos, Trowbridge, James O'Neil, Malcolm Stevenson, Menge and Robinson.

SB 6, establishing a youth corrections act.

Judicial Council.

SB 11, relative to appointment of student ballot inspectors.

Election Laws Study Committee.

SB 18, (Chapter 19) establishing a committee to study the question of recall of public officials by the electorate.

Reps. Charles B. Roberts, Alukonis, Harvell, Hughes and Altman.

SB 23, requiring that a capias may be served by police officers.

Judicial Council.

SJR 1, (Chapter 34) establishing an interim committee to study the role of the judiciary relative to the concept of the separation of powers.

Reps. Nighswander and Andrews.

APPOINTMENT BY SPEAKER

HB 44, providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973.

Rep. Elmer Johnson.

SPEAKER'S SPECIAL COMMITTEE

Deer Season and Associated Matters.

Reps. Hayes, Huggins, Chamberlin, Maynard and Randall.

PROROGUEMENT

The Governor addressed the House as follows:

I have been informed by the Joint Committee of the Senate and House of Representatives that you have completed the business of the session.

Therefore, now, by the authority vested in me as Governor, I do hereby declare the General Court of New Hampshire adjourned to the last Wednesday in December in the year of our Lord 1972.

The House adjourned at 9:18 P.M.

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The abbreviations listed below are used in the Subject Index:

adop	adopted
am	amended, amendment
com	committee
conf	committee of conference
RC	roll call
rej	rejected
rep	report
res	resolution

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HOUSE JOURNAL

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All matters not contained in bills or resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Approp	referred to Appropriations committee
conf	conference, referred to committee of conference
com	committee
conc	concurred
enr	enrolled
Fiscal com	referred to Fiscal committee
intro	introduced
IP	indefinitely postponed
JC	referred to Judicial Council
K	killed
LT	laid on table
nonconc	nonconcurred
psd	passed
RC	roll call
rcmt	recommitted
re	relative to, relating to
recon	reconsideration, reconsidered
rej	rejected
rep	report
S	Senate
S Ct opin req	Supreme Court opinion requested
SO	special order
Study com	referred to a study committee

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27-28, K 243

HB 2 To clarify the business profits tax (Andrews of Mer. 1)
28, K 147

HB 3 Correcting certain errors in the acts re reapportionment of Keene representatives to the general court and delegates to the state convention. (Saunders of Ches. 14)
28, psd 105, 115, S conc 206, enr 217 (Chapter 5)

HB 4 Re public outdoor entertainment. (Colburn of Hil. 5)
28, am 71-72, psd 75, S conc 271, enr 280 (Chapter 38)

HB 5 Permitting police employees of larger cities to enter the N. H. retirement system. (Martineau of Hil. 38)
28, Fiscal com 95, 339

HB 6 Eliminating the inclusion of interest charges in the limits on state guarantees of municipal sewage bonds, and increasing the total aggregate sum allowed. (Kopperl of Mer. 12)
First new title: Increasing the total aggregate sum allowed on state guarantees of municipal sewage bonds.
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28, Approp 72, am 107-108, psd 115, nonconc S am, conf 258-259, 265, rep adop 283-284, 296-297, enr 302 (Chapter 48)

HB 7 Authorizing state agencies to maintain certain records to qualify for federal funding. (Cate of Mer. 20, Merrill of Graf. 13)
New title: Authorizing state agencies to maintain certain records to qualify for federal funding and providing for inclusion of the social security amendments of 1971.
28, am 56, psd 60, conc S am 280, enr 298 (Chapter 46)

HB 8 Authorizing the department of education to apply for and expend federal funds available for technician and vocational-technical training programs. (O'Neil of Ches. 12)
28, psd 47-48, 51, S conc, enr 242 (Chapter 12)

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28, psd 48, 51, recon rej 59-60, nonconc S am, conf 243, 258, rep adop, enr 335-336 (Chapter 61)

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28, psd 48, 51, LT 259, conc S am 264, enr 276 (Chapter 28)

HB 11 To increase the borrowing power of the town of Pembroke. (Little of Mer. 9)
28, psd 48, 51, S conc 143, enr 145 (Chapter 2)

HB 12 Re insurance on state owned pressure vessels. (Miner of Mer. 23)
28, Approp 48, psd 128, 141, S conc, enr 257 (Chapter 24)

HB 13 To abolish the Enfield village fire district in the town of Enfield and transfer its functions to the town of Enfield. (Blain of Graf. 15)
28-29, psd 48, 51, conc S am 66, enr 69 (Chapter 1)

HB 14 Re the exclusive civil jurisdiction in district courts. (Zachos of Hil. 27)
29, am 55-56, psd 60, S conc, enr 242 (Chapter 13)

HB 15 Legalizing certain town meetings in the town of Auburn. (Griffin of Rock. 3)
First new title: Legalizing certain town meetings in the towns of Auburn and Newington and certain votes and proceedings of the planning board of the town of Newington.
Second new title: Legalizing certain town meetings in the towns of Auburn, Farmington, and Newington and certain votes and proceedings of the planning board of the town of Newington.
29, am 56-57, psd 60, conc S am 207-208, enr 231 (Chapter 10)
29, LT 63, psd 66, 68, S conc 143, enr 145 (Chapter 3)

HB 16 Re tax exemption for reclaiming swamps. (Andrews of Mer. 1)

HB 17 Establishing the rights of policemen. (Raiche of Hil. 34, Cobleigh of Hil. 15)
29, SO 85, am 129-140, psd 141, LT 297, conc S am 298, enr 307 (Chapter 64)

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HB 18 Increasing the fees on boats and motors, repealing the town tax on boats, and clarifying the duties of the division of safety services. (French of Bel. 2, Wood of Rock. 28)
29, Study com 192, recon rej 201, Study com 339

HB 19 Authorizing Nathaniel Hawthorne College to grant baccalaureate degrees. (Tucker of Sul. 4)
29, psd 55, 60, S conc, enr 242 (Chapter 14)

HB 20 Providing that families of prisoners of war in Asia be given free tuition in the state's institutions of higher learning. (Cobleigh of Hil. 15, Roberts of Bel. 6)
New title: Providing that children of prisoners of war in South East Asia be given free tuition in the state's institutions of higher learning.
29, Approp 54, am 108-109, psd 115, conc S am 299, enr 306 (Chapter 54)

HB 21 Re the N. H. American Revolution bicentennial commission. (Hamel of Rock. 17)
29, am 57, psd 60, S conc 206, enr 217 (Chapter 6)

HB 22 Making an additional appropriation for the New England board of higher education. (Frizzell of Sul. 7)
29, K 63

HB 23 Repealing the requirement for instant photographs on drivers' licenses. (Spirou of Hil. 31)
29, IP 58

HB 24 Establishing an interim committee to study controls for snowmobiles and all terrain vehicles and making an appropriation therefor, and reallocating the registration fees collected on snow traveling vehicles. (French of Bel. 2)
29-30, am & Approp 64-65, am 109-111, psd 115, conc S am 295, enr 302, com members appointed 339 (Chapter 49)

HB 25 Establishing procedure for authorizing action by the spouse or next of kin of prisoners of war or persons missing in action. (Cobleigh of Hil. 15, Varrill of Rock. 16)
30, psd 55, 60, S conc, enr 242 (Chapter 15)

HB 26 Amending the provisions of the charter of the city of Manchester re competitive bidding in certain cases. (Martineau of Hil. 38)
30, am 99-103, psd 114, conc S am 259, enr am 278-279, S conc 295, enr 302 (Chapter 50)

HB 27 Authorizing an agreement with Ohio state university veterinary school to enroll N. H. residents and making an appropriation therefor. (Frizzell of Sul. 7)
30, LT 126

HB 28 Making an additional appropriation for N. H. resident medical students at the university of Vermont. (Frizzell of Sul. 7 et al)
30, LT 126

HB 29 Limiting candidates for election to work in certain polling places. (Spirou of Hil. 31)
30, IP 82

HB 30 Prohibiting amendments to the zoning laws where adequate notice thereof has not been given. (Sayer of Rock. 7)
30, K 73

HB 31 Establishing a committee to study the feasibility of converting some of the surplus real property of any state institution to taxable use. (Whittemore of Bel. 12, Randlett of Bel. 11)
30, K 72

HB 32 Re overtime pay for state policemen. (Cote of Hil. 29)
30, K 64

HB 33 Imposing a two percent retail sales and use tax and authorizing any city or town to impose an additional one percent local identical tax for the use of the city or town. (Andrews of Mer. 1)
30, K 147, recon notice 204

HB 34 Permitting appeals from municipal and district courts in neglected and delinquent children matters. (Nighswander of Bel. 4)
New title: Permitting appeals from municipal and district courts in neglected children matters.
30-31, am 65-66, psd 68, S conc, enr 242 (Chapter 16)

HB 35 Permitting the town of Durham to change from a calendar year to a fiscal year accounting period, and providing for the dates and manner of collecting taxes in the transitional period. (Beckett of Str. 4)
31, psd 71, 74-75, S conc, enr 231 (Chapter 9)

HB 36 Establishing the N. H. municipal bond bank as a public body corporate and politic for the purpose of facilitating the borrowing of money by counties, cities, towns, and districts. (Trowbridge of Ches. 4)
31, Study com 74, 339

HB 37 Providing workmen's compensation coverage for all volunteer or auxiliary members of fire or police departments, whether paid or not paid. (Roberts of Bel. 6, Hanson of Mer. 6)
31, psd 57, 60, S conc 269, enr 280 (Chapter 39)

HB 38 Amending the Lebanon city charter to provide that the mayor shall make all appointments other than certain exceptions subject to the approval of the council. (Merrill of Graf. 13)
31, am 106-107, psd 115, S nonconc 258

HB 39 Re landlord and tenant rights. (Merrill of Graf. 13)
31, am 75-77, psd 86, S conc, enr 257 (Chapter 26)

HB 40 Accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death. (McLane of Mer. 23)
New title: Accelerating payment date of legacy taxes from fifteen to nine months after date of decedent's death and providing for special permits for lumber trucks.
31, psd 147, 191, conc S am 297, enr 306 (Chapter 55)

HB 41 Re voter registration by town and city clerks. (Tucker of Sul. 4)
31, psd 81-82, 86, nonconc S am, conf 267-268, new conf 279, 2d new conf 302-303, motion for new conf LT 312, new conf rej 319-320, K 338

HB 42 To suspend the implementing of certain governmental programs until such time as state and/or federal funding is available. (Daniell of Mer. 15 et al)
31, am & psd 140-141, nonconc S am, conf 298, 307, nonconc conf rep 310-311

HB 43 Making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973 and making other budgetary changes. (Drake of Coos 3)
First new title: Making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes, increasing the salaries of classified state employees, and nonacademic employees of the university system, establishing a state classified personnel and management study commission and making appropriations thereof.
Second new title: Making supplemental appropriations for expenses of certain departments of the state for the fiscal years ending June 30, 1972 and June 30, 1973, making other budgetary changes and re other matters.

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31, am (RC) & rcmt 116-125, am (RC) & psd 147-191, recon rej 201, nonconc S am, conf 271, 277, motion to instruct conferees re deletion rej 281, remarks by Rep. Merrill 282-283, report by Rep. Drake on planning budget 303-304, conf rep adop (RC) 315-319, enr 335, state classified personnel & management study com members appointed 339 (Chapter 60)

HB 44 Providing for the assessment of land at valuations based upon the current use thereof. (Johnson of Ches. 9)
New title: Providing for the assessment of forest and farm land at valuations based upon the current use thereof during the period from April 1, 1972 to June 30, 1973.
32, SO 82-85, 141-142, am & psd 197-201, S conc 295, enr 302, current use advisory board member appointed 341 (Chapter 56)

HB 45 Authorizing payment of relocation assistance in eminent domain takings in which federal funds are involved. (Noble of Mer. 27)
First new title: Authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved.
Second new title: Authorizing payment of relocation assistance in the acquiring of real property in which federal funds are involved, providing for regulations re the distribution and receipt of surplus commodities, and establishing a committee to study improvement in the commodity food distribution programs.
32, am 73, psd 75, conc S am 258, enr am 273, S conc 295, enr 302, com members appointed 339-340 (Chapter 51)

HB 46 Establishing a line item budget for the city of Manchester. (Robinson of Hil. 34 et al)
New title: Establishing a line item budget for the city of Manchester and providing a four year term for the finance officer for the city of Manchester.
32, psd 78, 86, conc S am 268, enr am 277-278, S conc 295, enr 302 (Chapter 52)

HB 47 Requiring no-fault motor vehicle insurance, and enacting a bumper safety statute. (Hamel of Rock. 17 et al)
32, study com 115-116, 340

HB 48 Creating a homestead exemption to local property taxes, providing for reimbursement to towns and cities for revenue lost thereby and making an appropriation therefor. (Cobleigh of Hil. 15)
32, SO 40-41, 49-50, LT 59

HB 49 Making appropriations for capital improvement and amending the 1969 capital budget. (Weeks of Rock. 23)
32, com changed 33, am & Approp 91-92, am 145, psd 191, nonconc S am, conf 266, 269, rep adop 319, 335, enr 336 (Chapter 62)

HB 50 Providing for state construction and operation of water pollution control facilities in the Winnipesaukee River Basin Watershed. (French of Bel. 2 et al)
32, am & Approp 78-81, Special com 127-128, am 208-215, psd 216, S conc 269, enr 281 (Chapter 36)

HB 51 Increasing the salaries of permanent classified state employees and establishing a state classified personnel and management study commission, and making an appropriation therefor. (Cobleigh of Hil. 15, Raiche of Hil. 34)
32, K 193

HB 52 Authorizing the city of Dover to acquire, develop, and operate industrial parks within the city and to aid the construction and expansion of industrial facilities within the city by the issue of revenue bonds. (Maglaras of Str. 20)
39, S Ct opin req 112-114, printed 244-246, K 338

HB 53 Re the date for the collection of taxes in the city of Dover. (Maglaras of Str. 20)
39, K 106

HB 54 Authorizing an amendment of the Amherst-Milford authorized regional enrollment area plan in order to reduce the number of grades covered by the plan. (Spalding of Hil. 12)
39, am 95-97, psd 114, S conc 206, enr 217 (Chapter 7)

HB 55 Exempting the real and personal property of the Nashua Historical Society from taxation and repealing the limitation on the amount of property said society may hold. (Cobleigh of Hil. 15, Coutermarsh of Hil. 22)
39, psd 74, 75, S conc 271, enr 280 (Chapter 40)

HB 56 Re the procedure to be followed by medical referees. (Zachos of Hil. 27)
39, psd 104, 115, S conc 269, enr 280 (Chapter 41)

HB 57, Re voter registration residence requirement. (McLane of Mer. 23)
New title: Re voter registration residency requirement and permitting city clerks to accept voter registrations.
39, am 74, psd 75, nonconc S am 279, recon, conc S am 282, enr 298 (Chapter 47)

HB 58 Amending the charter of the city of Manchester changing the title of the commissioner of welfare to director of human services, providing for his appointment instead of election, and requiring that he have certain educational and experience qualifications. (Spirou of Hil. 31)
47, Study com 103-104, 340

HB 59 Regulating users of ionizing radiation in the healing arts. (Nutt of Graf. 9)
47, Study com 105, 340

HB 60 Appropriating general fund revenue in excess of estimates. (Monier of Hil. 4)
47, Approp 59, K 111

HB 61, Enacting a Health Maintenance Organization Act and a Hospital Rate Setting Act, changing certain penalties in the insurance laws requiring the filing minimum standards for and approval of certain insurance documents, and re the board of directors and by-laws of hospital service and medical service corporations. (Coughlin of Ches. 11)
47, Study com 95, 340

HB 62 Repealing statute on group marketing of motor vehicle insurance. (Bigelow of Mer. 3)
47, am 72-73, psd 75, (S nonconc) Study com 340

HB 63 Re prefinancing of a sewage treatment facility in the city of Manchester and making an appropriation therefor. (Raiche of Hil. 34)
53, LT 111

HB 64 Re public utility services. (Monier of Hil. 4 et al)
53, K 105

HB 65 Requiring filing of social security numbers with department of probation. (Cobleigh of Hil. 15)
53, psd 106, 114, S conc, enr 257 (Chapter 20)

HB 66 Providing for capital improvements by providing for construction of a state liquor store on the Central N. H. Turnpike at the Hooksett toll station and making an appropriation therefor. (Cobleigh of Hil. 15)
53, Approp 92, psd 145, 191, S conc 271, enr 280 (Chapter 42)

HB 67 Exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter. (Claflin of Car. 7, Williamson of Sul. 9)

See also Subject Index preceding this index

New title: Exempting certain lands from the subdivision requirements of RSA 149-E and to provide funds for the administration of said chapter and making an appropriation therefor.
53, am & Approp 92-95, am 146-147, psd 191, recon rej 201, S conc 298-299, enr 302 (Chapter 53)

HB 68 Re permitted earnings for retired teachers and state employees. (Cobleigh of Hil. 15)
New title: Re permitted earnings for retired teachers and state employees and qualifying the commissioner of safety as a policeman member of the N. H. retirement system, and providing relief to any employee or teacher from the effect of the wage freeze.
53, psd 98, 114, conc S am 273-275, enr 280 (Chapter 37)

HB 69 Amending the charter of the city of Rochester by redrawing the ward lines to provide for five wards, and providing for the election of city officials on the basis of five wards; and reapportioning the representative districts in said city. (Balomenos of Str. 15)
53-54, psd 105, 115, S conc 206, enr 217 (Chapter 8)

HB 70 Establishing a statewide system for financing the basic costs of primary and secondary education through creation of a school fund and provisions to generate revenue therefor. (Trowbridge of Ches. 4, Menge of Graf. 8)
54, S Ct opin req 58-59, printed 87-90, motion for committee of the whole rej (RC) 193-197, IP (RC) 217-242

HB 71 Re the acquisition and disposal of industrial facilities. (Raymond of Ches. 13)
54, am 104, psd 115, conc S am 281-282, enr am 300, enr 307 (Chapter 57)

HB 72 Providing that each lobsterman fly his own distinctive colors or paint them on both port and starboard bow. (Maynard of Rock. 24)
54, psd 128, 141, S conc, enr 257 (Chapter 25)

HB 73 Requiring positive action by the N. H. Port Authority to pre-empt the authority of towns or cities over ports, harbors, or navigable tide rivers. (Levy of Rock. 28)
54, psd 126, 141, S conc 257, enr 258 (Chapter 21)

HB 74 Re flammable fabrics. (Cobleigh of Hil. 15, Reddy of Mer. 5)
62, am 98-99, psd 114, conc S am 279, enr 283 (Chapter 45)

HB 75 Changing the basis for retirement benefits for group I members from the highest five to the highest three years compensation. (Raiche of Hil. 34)
62-63, Fiscal com 111, 340

HB 76 Re the standardization of reports of state agencies and distribution of state publications. (Benton of Rock. 12)
63, Fiscal com 125, 340

HB 77 Re the parole laws regarding persons convicted of murder in the first degree that are psycho-sexual in nature. (Zachos of Hil. 27)
63, com changed 85, am 126, psd 141, S conc 257, enr 258 (Chapter 22)

HB 78 Amending the charter of the city of Claremont re compensation for the mayor and city council. (Tucker of Sul. 4)
69-70, K 338

HB 79 Re the sale of liquor at state-owned ski areas. (Williamson of Sul. 9)
70, Study com 128-129, 341

HB 80 Re pari-mutuel pools. (Reddy of Mer. 5)
87, IP 203-204

HB 81 Legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton, and Hooksett.

New title: Legalizing certain town meetings of the towns of Salisbury, Marlow, South Hampton, and Hooksett, and authorizing the city of Dover to acquire, develop, and operate industrial parks within the city and to aid the construction and expansion of industrial facilities within the city by the issue of revenue bonds, and amending the business profits tax.
intro & psd 313, conc S am 336-337, enr 338-339 (Chapter 63)

HOUSE JOINT RESOLUTIONS

HJR 1 Making an appropriation for construction at Old Fort Number Four. (Frizzell of Sul. 7, Galbraith of Sul. 7)
33, K 111

HJR 2 Establishing an interim committee to study the redistricting of county commissioner districts. (Andrews of Mer. 1)
33, K 105

HJR 3 To authorize Portsmouth and Dover to verify their checklists in 1972 rather than 1973. (Maynard of Rock. 24, Maglaras of Str. 20)
New title: To authorize certain cities to verify their checklists in 1972 rather than in 1973.
33, psd 105-106, 115, conc S am 259, enr 277 (Chapter 33)

HJR 4 Authorizing the register of deeds of Strafford county to deliver some of the old record books into the custody of the Woodman Institute for display purposes. (Clark of Str. 4)
63, psd 77-78, 86, S conc 257, enr 258 (Chapter 23)

HJR 5 Establishing an interim committee to study a deferred tuition program for the state. (Raiche of Hil. 34)
63, am 97-98, psd 114, nonconc S am, conf 299, new conf 303, K 338

HOUSE CONCURRENT RESOLUTIONS

HCR (a) Legalizing actions of the rules committee and scheduling of hearings by committees. (O'Neil of Ches. 12, Raiche of Hil. 34)
adop 13-14, S conc 24

HCR 1 Ratifying the proposed Amendment to the Constitution of the United States extending equal rights to women. (Merrill of Graf. 13, Raiche of Hil. 34)
adop 313-315

SENATE BILLS

SB 1 Establishing an environmental protection division in the office of the attorney general and making an appropriation therefor.
70, Approp 208, LT 260

SB 3 Establishing an interim legislative committee to investigate and make recommendations as to methods of financing public education which will conform to equal protection requirements of the constitution.
144, am 262, psd 264-265, S conc 271, enr 280, com members appointed 341 (Chapter 43)

SB 4 Increasing fees that ski tow operators pay.
63, com changed 254, psd 266, 269, enr 276 (Chapter 29)

SB 5 Re the Lafayette Regional and Lisbon Regional School Districts.
144, psd 247, 255, enr 257 (Chapter 17)

SB 6 Establishing a youth corrections act.
JC 341

SB 7 Providing that associate justices of the superior court, justices of the district court, probate judges, or masters, in addition to judicial referees, may sit as chairman of panels to hear professional malpractice claims.
90, psd 247, 255, enr 257 (Chapter 18)

See also Subject Index preceding this index

SB 8 To provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor.
70, LT 260

SB 9 Re redistricting the congressional districts.
54, psd 105, 115, enr 145 (Chapter 4)

SB 10 Redistricting certain state senatorial districts.
90, psd (RC) 251-254, 255, enr 257 (Chapter 27)

SB 11 Re appointment of student ballot inspector.
144, Study com 261, 341

SB 12 Permitting the industrial development authority to exceed its bonding limit if found necessary by the governor and council to protect the interest of the state in any project.
90, Approp 261-262, psd 272-273, enr 280-281 (Chapter 44)

SB 13 Permitting minors to receive medical treatment without parental consent.
90, psd 202-203, 215, enr 231 (Chapter 11)

SB 14 Making an appropriation from the Nesmith Trust Fund and changing the annual appropriation therefrom.
70, psd 260, 264, enr 276 (Chapter 31)

SB 15 Repealing the provisions for discretionary real estate licenses.
54, SO 193, am 206-207, psd 216, S nonconc, conf 243, rep adop 303, 305, enr 307 (Chapter 58)

SB 16 Re the administration of the revenue laws.
144, am & Approp 260-261, K 284-286

SB 17 Establishing an enviromental protection department.
First new title: Providing for an emergency temporary zoning and planning ordinance and for the adoption of the same in emergencies.
Second new title: Providing for an emergency temporary zoning and planning ordinance and for the adoption of the same in emergencies, and establishing an interim committee to study and report on the establishment of an environmental protection department.
144, am & psd, S nonconc, conf 286-296, rep adop 308-309, 355, enr 336 (pocket vetoed)

SB 18 Establishing a committee to study the question of recall of public officials by the electorate.
144, psd 247, 255, enr 257, com members appointed 341 (Chapter 19)

SB 19 Re sale of liquor at golf clubs, indoor tennis clubs, racquet clubs, and nonprofit clubs.
144, psd 266, 269, enr 276 (Chapter 30)

SB 20 To license private detectives and private detective agencies.
144, psd 247, recon & Approp 255, psd 263, 265, enr 277 (Chapter 35)

SB 21 Re the age of majority.
144, am 263-264, psd 265, S nonconc, conf 270-271, new conf 299, K 338

SB 22 Re legislative ethics.
144, K 261

SB 23 Requiring that a capias may be served by police officers.
144, JC 247, 341

SB 24 Re solid waste disposal.
144, LT 266, am 267, psd 269, S nonconc, conf 268-269, new conf 284, rep adop 310, enr 335 (Chapter 59)

SB 25 To provide penalties for violation of the disclosure of information laws relating to horse and greyhound racing, and to amend the provisions relating to disclosure of information.
144, psd 262-263, 265, enr 276-277 (Chapter 32)

SENATE JOINT RESOLUTION

SJR 1 Establishing an interim committee to study the role of the judiciary re the concept of the separation of powers.
144, psd 260, 264, enr 277, com members appointed 341 (Chapter 34)

SENATE CONCURRENT RESOLUTIONS

SCR (a) That the joint rules of the 1971 session, as amended in accordance with the copy of the joint rules which has been distributed and is now in the possession of all members, be adopted as the joint rules of the 1972 Special Session.
15, adop 27, suspension of rule 14 rej (RC) 33-36

SCR 1 Memorializing the President regarding the treatment of Jews in the Soviet Union.
70, com changed 260, K 338

SCR 3 That a Committee of five be appointed to join with such committee as the House may designate to wait upon his excellency, the Governor, and inform him that the legislature has completed the business of the session and is ready to be adjourned and to receive any communications which he may wish to make.
adop 337-338

See also Subject Index preceding this index